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THE

WORKS OF EDMUND BURKE.

IN NINE VOLUMES.

VOL. II.

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SPEECHES AT BRISTOL.

1774.

EDITOR'S ADVERTISEMENT.

We believe there is no need of an apology to the public for offering to them any genuine speeches of Mr. Burke: the two contained in this publication undoubtedly are so. The general approbation they met with (as we hear) from all parties at Bristol, persuades us that a good edition of them will not be unacceptable in London; which we own to be the inducement, and we hope is a justification of our offering it.

We do not presume to descant on the merit of these Speeches; but as it is no less new, than honorable, to find a popular candidate, at a popular election, daring to avow his dissent to certain points that have been considered as very popular objects, and maintaining himself on the manly confidence of his own opinion; so, we must say, that it does great credit to the people of England, as it proves to the world, that, to insure their confidence, it is not necessary to flatter them, or to affect a subserviency to their passions or their prejudices.

It may be necessary to premise, that at the opening of the poll the candidates were Lord Clare, Mr. Brickdale, the two last members; and Mr. Cruger, a considerable merchant at Bristol. On the second day of the poll Lord Clare declined; and a considerable body of gentlemen, who had wished that the city of Bristol should, at this critical season, be represented by some gentleman of tried abilities and known commercial knowledge, immediately put Mr. Burke in nomination. Some of them set off express for London to apprise that gentleman of this event; but he was gone to Malton in Yorkshire. The spirit and active zeal of these gentlemen followed him to Malton. They arrived there just after Mr. Burke's election for that place, and invited him to Bristol.

Mr. Burke, as he tells us in his first Speech, acquainted his constituents with the honorable offer that was made him; and, with their consent, he immediately set off for Bristol on the Tuesday at six in the evening; he arrived at Bristol at half past two in the afternoon on Thursday, the 13th of October, being the sixth day of the poll.

He drove directly to the mayor's house, who not being at home, he proceeded to the Guildhall, where he ascended the hustings, and having saluted the electors, the sheriffs, and the two candidates, he reposed himself for a few minutes, and then addressed the electors in a speech, which was received with great and universal applause and approbation.

MR. BURKE'S SPEECH

ON HIS ARRIVAL AT BRISTOL.

GENTLEMEN,

I AM come hither to solicit in person, that favor which my friends have hitherto endeavored to procure for me, by the most obliging, and to me the most honorable, exertions.

I have so high an opinion of the great trust which you have to confer on this occasion; and, by long experience, so just a diffidence in my abilities, to fill it in a manner adequate even to my own ideas, that I should never have ventured of myself to intrude into that awful situation. But since I am called upon by the desire of several respectable fellow subjects, as I have done at other times, I give up my fears to their wishes. Whatever my other deficiencies may be, I do not know what it is to be wanting to my friends.

I am not fond of attempting to raise public expectation by great promises. At this time, there is much cause to consider, and very little to presume. We seem to be approaching to a great crisis in our affairs, which calls for the whole wisdom of the wisest among us, without being able to assure ourselves, that any wisdom can preserve us from many and great inconveniences. You know I speak of our unhappy contest with America. I confess, it is a matter on which I look down as from a precipice. It is difficult in itself, and it is rendered more intricate by a great variety of plans of conduct. I do not mean to enter into them. I will not suspect a want of good intention in framing them. But however pure the intentions of their authors may have been, we all know that the event has been unfortunate. The means

of recovering our affairs are not obvious. So many great questions of commerce, of finance, of constitution, and of policy, are involved in this American deliberation, that I dare engage for nothing, but that I shall give it, without any predilection to former opinions, or any sinister bias whatsoever, the most honest and impartial consideration of which I am capable. The public has a full right to it; and this great city, a main pillar in the commercial interest of Great Britain, must totter on its base by the slightest mistake with regard to our American measures.

Thus much, however, I think it not amiss to lay before you; That I am not, I hope, apt to take up or lay down my opinions lightly. I have held, and ever shall maintain, to the best of my power, unimpaired and undiminished, the just, wise, and necessary constitutional superiority of Great Britain. This is necessary for America, as well as for us. I never mean to depart from it, whatever may be lost by it. I avow it. The forfeiture even of your favor, if by such a declaration I could forfeit it, though the first object of my ambition, never will make me disguise my sentiments on this subject.

But,—I have ever had a clear opinion, and have ever held a constant corresponding conduct, that this superiority is consistent with all the liberties a sober and spirited American ought to desire. I never mean to put any colonist, or any human creature, in a situation, not becoming a free man. To reconcile British superiority with American liberty shall be my great object, as far as my little faculties extend. I am far from thinking that both, even yet, may not be preserved.

When I first devoted myself to the public service, I considered how I should render myself fit for it; and this I did by endeavoring to discover what it was, that gave this country the rank it holds in the world. I found that our prosperity and dignity arose principally, if not solely, from two sources; our constitution and commerce. Both these I have spared no study to understand, and no endeavor to support.

The distinguishing part of our constitution is its liberty. To preserve that liberty inviolate, seems the particular duty and proper trust of a member of the House of Commons. But the liberty, the only liberty I mean, is a liberty connected with order; that not only exists along with order and virtue, but which cannot exist at all without them. It inheres in good and steady government, as in its substance and vital principle.

The other source of our power is commerce, of which you are so large a part, and which cannot exist, any more than your liberty, without a connection with many virtues. It has ever been a very particular and a very favorite object of my study, in its principles, and in its details. I think many here are acquainted with the truth of what I say. This I know, that I have ever had my house open, and my poor services ready, for traders and manufacturers of every denomination. My favorite ambition is to have those services acknowledged. I now appear before you to make trial, whether my earnest endeavors have been so wholly oppressed by the weakness of my abilities, as to be rendered insignificant in the eyes of a great trading city; or whether you choose to give a weight to humble abilities, for the sake of the honest exertions with which they are accompanied. This is my trial to-day. My industry is not on trial. Of my industry I am sure, as far as my constitution of mind and body admitted.

When I was invited by many respectable merchants, freeholders, and freemen, of this city, to offer them my services, I had just received the honor of an election at another place, at a very great distance from this. I immediately opened the matter to those of my worthy constituents who were with me, and they unanimously advised me not to decline it. They told me, that they had elected me with a view to the public service; and as great questions relative to our commerce and colonies were imminent, that in such matters I might derive authority and support from the representation of this great commercial city; they desired me therefore to set off without

delay, very well persuaded that I never could forget my obligations to them, or to my friends, for the choice they had made of me. From that time to this instant I have not slept; and if I should have the honor of being freely chosen by you, I hope I shall be as far from slumbering or sleeping when your service requires me to be awake, as I have been in coming to offer myself a candidate for your favor.

MR. BURKE'S SPEECH

TO THE ELECTORS OF BRISTOL,

ON HIS BEING DECLARED BY THE SHERIFFS, DULY ELECTED ONE OF THE REPRESENTATIVES IN PARLIAMENT FOR THAT CITY, ON THURSDAY THE THIRD OF NOVEMBER, 1774.

GENTLEMEN,

I CANNOT avoid sympathizing strongly with the feelings of the gentleman who has received the same honor that you have conferred on me. If he, who was bred and passed his whole life amongst you; if he, who, through the easy gradations of acquaintance, friendship, and esteem, has obtained the honor, which seems of itself, naturally and almost insensibly, to meet with those, who, by the even tenor of pleasing manners and social virtues, slide into the love and confidence of their fellow citizens;—if he cannot speak but with great emotion on this subject, surrounded as he is on all sides with his old friends; you will have the goodness to excuse me, if my real, unaffected embarrassment prevents me from expressing my gratitude to you as I ought.

I was brought hither under the disadvantage of being unknown, even by sight, to any of you. No previous canvass was made for me. I was put in nomination after the poll was opened. I did not appear until it was far advanced. If, under all these accumulated disadvantages, your good opinion has carried me to this happy point of success: you will pardon me, if I can only say to you collectively, as I said to you individually, simply and plainly, I thank you—I am obliged to you—I am not insensible of your kindness.

This is all that I am able to say for the inestimable favor you have conferred upon me. But I cannot be satisfied, without saying a little more in defence of the right you have to confer such a favor. The person that appeared here as counsel for the candidate, who so long and so earnestly solicited your votes, thinks proper to deny, that a very great part of you have any votes to give. He fixes a standard period of time in his own imagination, not what the law defines, but merely what the convenience of his client suggests, by which he would cut off, at one stroke, all those freedoms, which are the dearest privileges of your corporation; which the common law authorizes; which your magistrates are compelled to grant; which come duly authenticated into this court; and are saved in the clearest words, and with the most religious care and tenderness, in that very act of parliament, which was made to regulate the elections by freemen, and to prevent all possible abuses in making them.

I do not intend to argue the matter here. My learned counsel has supported your cause with his usual ability; the worthy sheriffs have acted with their usual equity, and I have no doubt, that the same equity, which dictates the return, will guide the final determination. I had the honor, in conjunction with many far wiser men, to contribute a very small assistance, but however some assistance, to the forming the judicature which is to try such questions. It would be unnatural in me, to doubt the justice of that court, in the trial of my own cause, to which I have been so active, to give jurisdiction over every other.

I assure the worthy freemen, and this corporation, that if the gentleman perseveres in the intentions, which his present warmth dictates to him, I will attend their cause with diligence, and I hope with effect. For, if I know any thing of myself, it is not my own interest in it, but my full conviction, that induces me to tell you—*I think there is not a shadow of doubt in the case.*

I do not imagine that you find me rash in declaring myself, or very forward in troubling you. From the beginning to the

end of the election, I have kept silence in all matters of discussion. I have never asked a question of a voter on the other side, or supported a doubtful vote on my own. I respected the abilities of my managers; I relied on the candor of the court. I think the worthy sheriffs will bear me witness, that I have never once made an attempt to impose upon their reason, to surprise their justice, or to ruffle their temper. I stood on the hustings (except when I gave my thanks to those who favored me with their votes) less like a candidate, than an unconcerned spectator of a public proceeding. But here the face of things is altered. Here is an attempt for a general *massacre* of suffrages; an attempt, by a promiscuous carnage of *friends* and *foes*, to exterminate above two thousand votes, including *seven hundred polled for the gentleman himself, who now complains*, and who would destroy the friends whom he has obtained, only because he cannot obtain as many of them as he wishes.

How he will be permitted, in another place, to stultify and disable himself, and to plead against his own acts, is another question. The law will decide it. I shall only speak of it as it concerns the propriety of public conduct in this city. I do not pretend to lay down rules of decorum for other gentlemen. They are best judges of the mode of proceeding that will recommend them to the favor of their fellow-citizens. But I confess, I should look rather awkward, if I had been the *very first to produce the new copies of freedom*, if I had persisted in producing them to the last; if I had ransacked, with the most unremitting industry, and the most penetrating research, the remotest corners of the kingdom to discover them; if I were then, all at once, to turn short, and declare, that I had been sporting all this while with the right of election; and that I had been drawing out a poll, upon no sort of rational grounds, which disturbed the peace of my fellow citizens for a month together—I really, for my part, should appear awkward under such circumstances.

It would be still more awkward in me, if I were gravely to look the sheriffs in the face, and to tell them, they were

not to determine my cause on my own principles; nor to make the return upon those votes, upon which I had rested my election. Such would be my appearance to the court and magistrates.

But how should I appear to the *voters* themselves? If I had gone round to the citizens entitled to freedom, and squeezed them by the hand—"Sir, I humbly beg your vote—I shall be eternally thankful—may I hope for the honor of your support?—Well!—come—we shall see you at the council-house."—If I were then to deliver them to my managers, pack them into tallies, vote them off in court, and when I heard from the bar—"Such a one only! and such a one forever!—he's my man!"—"Thank you, good sir—Hah! my worthy friend! thank you kindly—that's an honest fellow—how is your good family?"—Whilst these words were hardly out of my mouth, if I should have wheeled round at once, and told them—"Get you gone, you pack of worthless fellows! you have no votes—you are usurpers! you are intruders on the rights of real freemen! I will have nothing to do with you! you ought never to have been produced at this election, and the sheriffs ought not to have admitted you to poll."

Gentlemen, I should make a strange figure, if my conduct had been of this sort. I am not so old an acquaintance of yours as the worthy gentleman. Indeed I could not have ventured on such kind of freedoms with you. But I am bound, and I will endeavor, to have justice done to the rights of freemen; even though I should, at the same time, be obliged to vindicate the former* part of my antagonist's conduct against his own present inclinations.

I owe myself, in all things, to *all* the freemen of this city. My particular friends have a demand on me, that I should not deceive their expectations. Never was cause or man supported with more constancy, more activity, more spirit. I have

* Mr. Brickdale opened his poll, it seems, with a tally of those very kind of freemen, and voted many hundreds of them.

been supported with a zeal indeed and heartiness in my friends, which, (if their object had been at all proportioned to their endeavors) could never be sufficiently commended. They supported me upon the most liberal principles. They wished that the members for Bristol should be chosen for the city, and for their country at large, and not for themselves.

So far they are not disappointed. If I possess nothing else, I am sure I possess the temper that is fit for your service. I know nothing of Bristol, but by the favors I have received, and the virtues I have seen exerted in it.

I shall ever retain, what I now feel, the most perfect and grateful attachment to my friends—and I have no enmities; no resentment. I never can consider fidelity to engagements, and constancy in friendships, but with the highest approbation; even when those noble qualities are employed against my own pretensions. The gentleman, who is not fortunate as I have been in this contest, enjoys, in this respect, a consolation full of honor both to himself and to his friends. They have certainly left nothing undone for his service.

As for the trifling petulance, which the rage of party stirs up in little minds, though it should shew itself even in this court, it has not made the slightest impression on me. The highest flight of such clamorous birds is winged in an inferior region of the air. We hear them, and we look upon them, just as you, gentlemen, when you enjoy the serene air on your lofty rocks, look down upon the gulls, that skim the mud of your river, when it is exhausted of its tide.

I am sorry I cannot conclude, without saying a word on a topic touched upon by my worthy colleague. I wish that topic had been passed by, at a time when I have so little leisure to discuss it. But since he has thought proper to throw it out, I owe you a clear explanation of my poor sentiments on that subject.

He tells you, that "the topic of instructions has occasioned much altercation and uneasiness in this city;" and he expresses himself (if I understand him rightly) in favor of the coercive authority of such instructions.

Certainly, gentlemen, it ought to be the happiness and glory of a representative, to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and, above all, ever, and in all cases, to prefer their interest to his own. But, his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says, his will ought to be subservient to yours. If that be all, the thing is innocent. If government were a matter of will upon any side, yours, without question, ought to be superior. But government and legislation are matters of reason and judgment, and not of inclination; and, what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate, and another decide; and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?

To deliver an opinion, is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear; and which he ought always most seriously to consider. But *authoritative* instructions; *mandates* issued, which the member is bound blindly and implicitly to obey, to vote and to argue for, though contrary to the clearest conviction of his judgment and conscience; these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

Parliament is not a *congress* of ambassadors from different

and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of *parliament*. If the local constituent should have an interest, or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavor to give it effect. I beg pardon for saying so much on this subject. I have been unwillingly drawn into it; but I shall ever use a respectful frankness of communication with you. Your faithful friend, your devoted servant, I shall be to the end of my life: a flatterer you do not wish for. On this point of instructions, however, I think it scarcely possible, we ever can have any sort of difference. Perhaps I may give you too much, rather than too little trouble.

From the first hour I was encouraged to court your favor to this happy day of obtaining it, I have never promised you any thing, but humble and persevering endeavors to do my duty. The weight of that duty, I confess, makes me tremble; and whoever well considers what it is, of all things in the world, will fly from what has the least likeness to a positive and precipitate engagement. To be a good member of parliament, is, let me tell you, no easy task; especially at this time, when there is so strong a disposition to run into the perilous extremes of servile compliance or wild popularity. To unite circumspection with vigor, is absolutely necessary; but it is extremely difficult. We are now members for a rich commercial *city;* this city, however, is but a part of a rich commercial *nation*, the interests of which are various, multiform, and intricate. We are members for that great nation, which, however, is itself but part of a great *empire*, extended by our virtue and our fortune, to the farthest limits of the

SPEECH.

I HOPE, sir, that notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the house full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other house.* I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight for ever, we are at this very instant nearly as free to choose a plan for our American government, as we were on the first day of the session. If, sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend

* The act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honor of a seat in this house, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains, to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas, concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concenter my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period, I had the fortune to find myself in perfect concurrence with a large majority in this house. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing approaching to a censure on the motives of former parliaments to all those alterations, one fact is undoubted; that under them the state of America has been kept in continual agitation. Every thing adminis-

tered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation; a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, sir, things stood at the beginning of the session. About that time, a worthy member* of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass, that our former methods of proceeding in the house would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigor as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs should shew, that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground, which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a

* Mr. Rose Fuller.

sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics, in which the plan is to be wholly separated from the execution. But when I saw, that anger and violence prevailed every day more and more; and that things were hastening towards an incurable alienation of our colonies; I confess my caution gave way. I felt, this as one of those few moments in which decorum yields to an higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are, by what you ought to be, I persuaded myself, that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous; if it were weakly conceived, or improperly timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions; or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace; and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people, when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project, which has been lately laid upon your table by the noble lord in the blue ribband.* It does not propose to fill your

* "That when the governor, council, or assembly, or general court, of any of his majesty's provinces or colonies in America, shall *propose* to make provision, *according to the condition, circumstances*, and *situation*, of such province or colony, for contributing their *proportion* to the *common defence* (such *proportion* to be raised under the authority of the general court, or general assembly, of such province or colony, and disposable by parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, *if such proposal shall be approved by his majesty, and the two houses of parliament*, and for so long as

lobby with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments, beyond all the powers of algebra to equalize and settle.

The plan, which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the house in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The house has gone farther; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think indeed, are very indifferently

such provision shall be made accordingly, to forbear, *in respect of such province or colony*, to levy any duty, tax, or assessment, or to impose any farther duty, tax, or assessment, except such duties as it may be expedient to continue to levy or impose, for the regulation of commerce; the net produce of the duties last mentioned to be carried to the account of such province or colony respectively." Resolution moved by Lord North in the committee; and agreed to by the house, 27th February, 1775.

suited to the end; and this I shall endeavor to shew you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming, that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two. First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not according to our own imaginations; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color; besides at least five hundred thousand others, who form no inconsiderable part of the strength and opulence of the whole. This, sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will shew you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and provoked with little danger. It will prove, that some degree of care and caution is required in the handling such an object; it will shew that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose

much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person,* at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail; if a great part of the members who now fill the house had not the misfortune to be absent when he appeared at your bar. Besides, sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772. The other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly

* Mr. Glover.

in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them, would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America and the West Indies	£483,265
To Africa	86,665
	569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America and the West Indies . .	£4,791,734
To Africa	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence . .	364,000
	6,022,132

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelvefold. This is the state of the colony trade, as compared with itself at these two periods within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including that to the colonies, in 1704	£6,509,000
Export to the colonies alone, in 1772 . . .	6,024,000
Difference,	485,000

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended; but with this material difference; that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend

such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus.* Suppose, sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that, when, in the fourth generation, the third prince of the house of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to an higher rank of peerage, whilst he enriched the family with a new one—If amidst these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him—"Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men and uncouth manners; yet shall, before you taste of death, shew itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a

large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was £507,909 nearly equal to the export to all the colonies together in the first period.

I choose, sir, to enter into these minute and particular details; because generalities, which, in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could shew how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past, the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the

sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit, by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how

profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt, and die away within me. My rigor relents. I pardon something to the spirit of liberty.

I am sensible, sir, that all which I have asserted, in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management, than of force; considering force not as odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms, by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all

parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it: and our sin far more salutary than our penitence.

These, sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character.*

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated

from you, when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called an house of commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a house of commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect themselves mediately or immediately possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars,

without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error, by the form of their provincial legislative assemblies. Their governments are popular in an high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If any thing were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people, is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are protestants; and of that kind, which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favor and every kind of support from authority. The church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world;

and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent; and the protestantism of the protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high; and in the emigrants was the highest of all: and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal.

I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my *honorable and learned friend on the floor, who condescends to mark what I

* The Attorney General.

say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance, in weakening government. Seas roll, and months pass, between the order and the execution: and the want of a speedy explanation of a single point, is enough to defeat a whole system. You have, indeed, winged messengers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you, than does to all nations, who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may

/ern at all; and the whole of the force and vigor of his authority in his centre, is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed, as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, sir, from these six capital sources; of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. But the question is, not whether their spirit deserves praise or blame; what, in the name of God, shall we do with it? You have before you the object; such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations, we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing

and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is, to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order, in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind, as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident, that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important, and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home, by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to equal attention, I would state, that as far as I am capable of discerning, there are but three ways of pro-

ceeding relative to this stubborn spirit, which prevails in your colonies, and disturbs your government. These are—To change that spirit, as inconvenient, by removing the causes. To prosecute it as criminal. Or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both houses, by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another.

Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander, without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavor to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shewn a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may

certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence, as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortunes of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character, which prevail in our colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation, in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale, would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholic, as a penalty; or the Church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world; and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from the courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly anni-

hilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty, would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves: and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too; and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? From that nation, one of whose causes of quarrel with those masters, is their refusal to deal any more in that inhuman traffic? An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. "Ye gods, annihilate but space and time, and make two lovers

happy!"—was a pious and passionate prayer;—but just as reasonable, as many of the serious wishes of very grave and solemn politicians.

If then, sir, it seems almost desperate to think of any alterative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects, as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition, I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissentions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states, under one common head; whether this head be a monarch, or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead

uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges, and the supreme common authority, the line may be extremely nice. Of course disputes, often too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather *ex vi termini*, to imply a superior power. For to talk of the privileges of a state or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels, among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, that his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, sir. But I confess, that the character of judge in my own cause, is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence; unless I could be sure, that there were no rights which, in their exercise under certain circumstances,

were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, sir, also a circumstance which convinces me, that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither under an act of Henry the Eighth, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shews how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less. When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If, then, the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or, if you please to submit to it, as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; or how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only

thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the *great Serbonian bog, betwixt Damiata and Mount Casius old, where armies whole have sunk.* I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me, I *may* do; but what humanity, reason, and justice, tell me, I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity, to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favor, is, *to admit the*

people of our colonies into an interest in the constitution; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to shew, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the house, if this proposal in itself would be received with dislike. I think, sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced, that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman* of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege, that it is against reason to

* Mr. Rice.

tax a people under so many restraints in trade as the Americans, the noble lord* in the blue ribband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this, does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or, that the giving way in any one instance of authority, is to lose all that may remain unconceded.

* Lord North.

One fact is clear and indisputable. The public and avowed origin of this quarrel, was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there any thing peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience; they did not, sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind, which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs shewed, that they had not chosen the most perfect standard. But, sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety), I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modeled according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured, that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the house of commons, gave us at least a house of commons of weight and consequence. But your ancestors

did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shews beyond a doubt, that the refusal of a general communication of these rights, was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed

rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander in chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state, there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained, that his trial should be always

by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—A fine body of precedents for the authority of parliament and the use of it!—I admit it fully; and pray add likewise to these precedents, that all the while, Wales rid this kingdom like an *incubus;* that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not, until after two hundred years, discovered, that by an eternal law, Providence had decreed vexation to violence; and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII. the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous; that eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by act of parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization, followed in the train of liberty. When the day-star of

the English constitution had arisen in their hearts, all was harmony within and without—

> ——— Simul alba nautis,
> Stella refulsit,
> Defluit saxis agitatus humor;
> Concidunt venti, fugiuntque nubes,
> Et minax (quod sic voluere) ponto
> Unda recumbit.

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard II. drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you.

"To the King our sovereign lord, in most humble wise shewn unto your excellent majesty, the inhabitants of your grace's county palatine of Chester; That where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: (2.) And for as much as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight ne burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the

most ancient jurisdictions, liberties and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom and not servitude is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of parliament, it recognises the equity of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliaments, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII. says, the Welsh speak a language no way resembling that of his majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales,

and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above two hundred thousand; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester and Durham? But America is virtually represented. What! Does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighborhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal barriers of the creation. The thing in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident, have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers

of imaginary commonwealths; not to the republic of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my feet, *and the rude swain treads daily on it with his clouted shoon.* I only wish you to recognise, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honor, until the year 1763.

My resolutions therefore mean to establish the equity and justice of a taxation of America, by *grant*, and not by *imposition.* To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise;* and that experience has shewn the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply.*

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them, where they may want explanation. The first is a resolution, "That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and

containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament." This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first—"That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament. *Non meus hic sermo, sed quæ præcepit Ofellus, rusticus, abnormis sapiens.* It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracts of our forefathers; where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of

sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right, will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all, either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the sixth of George II.? Else why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the stamp act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which, lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribband, now

standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though in my private judgment, an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court, with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his majesty;" and acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised, that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in an habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys, and all solicitors general!

However they are safe; as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—"That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his majesty's service, according to their abilities, when required thereto by letter from one of his majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the fourth of April, 1748,* a committee of this house came to the following resolution:

"Resolved,

"That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain, the island of Cape Breton and its dependencies."

These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756,† a message from the king came to us, to this effect—"His majesty, being sensible of the

* Journals of the House, Vol. XXV. † Ibid. Vol. XXVII.

zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his majesty's just rights and possessions, recommends it to this house to take the same into their consideration, and to enable his majesty to give them such assistance as may be a *proper reward and encouragement.*"

On the 3d of February, 1756,* the house came to a suitable resolution, expressed in words nearly the same as those of the message: but with the further addition, that the money then voted was an *encouragement* to the colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the journals:

Vol. xxvii.—16th and 19th May, 1757.

Vol. xxviii.—June 1st, 1758—April 26th and 30th, 1759—March 26th and 31st, and April 28th, 1760—Jan. 9th and 20th, 1761.

Vol. xxix.—Jan 22d and 26th, 1762—March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition, what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you,

* Journals of the House, Vol. XXXVII.

will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing, stand, when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this house, that the colonies were then in debt two millions six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant.* Now search the same journals for the produce of the *revenue by imposition.* Where is it?—let us know the volume and the page—what is the gross, what is the net produce?—to what service is it applied?—how have you appropriated its surplus? What, can none of the many skilful index-makers, that we are now employing, find any trace of it? Well, let them and that rest together. But are the journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those journals, justified in the sixth

and last resolution, which is—"That it hath b
experience, that the manner of granting the said
aids, by the said general assemblies, hath been more agree
to the said colonies, and more beneficial, and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies." This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigences of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, every thing which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an act, made in the seventh year of the reign of his present majesty, entitled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act to discontinue, in such manner, and for such time, as are

therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act for the better regulating the government of the province of Massachusetts Bay, in New England. And, also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, An act for the trial of treasons committed out of the king's dominions."

I wish, sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence

and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, sir, the act which changes the charter of Massachusetts, is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, sir, I propose the following resolution: "That, from the time when the general assembly or general court of any colony or plantation in North America, shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper, that the said chief justice and other judges of the superior courts of such colony, shall hold his and their office and offices during their good behavior; and shall not be removed therefrom, but when the said removal shall be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, of the colony in which the said chief justice and other judges have exercised the said offices."

The next resolution relates to the courts of admiralty.

It is this:—"That it may be proper to regulate the courts of admiralty, or vice admiralty, authorized by the 15th chapter of the 4th of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away; they are in themselves proper establishments. This court is one of the capital securities of the act of navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly of this grievance.*

These are the three consequential propositions. I have thought of two or three more; but they came rather too near detail, and to the province of executive government, which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed, will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, sir, I should close; but that I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

* The Solicitor-General informed Mr. B. when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the resolution was amended.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine;* and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true, that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favorable as possible to both, when properly understood; favorable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, sir, the object of grievance in my resolution, I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure* or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know, that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we sup-

port any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and, we choose rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But in all fair dealings the thing bought, must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life, rather than fall under a government purely arbitrary. But, although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man.* Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect

the acts of a superintending legislature; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces; and I confess, I feel not the least alarm, from the discontents which are to arise, from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow citizens, some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire; which was preserved, entire, although Wales, and Chester, and Durham, were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature; which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord* on the floor,

* Lord North.

which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this house. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction;—because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the constitution.

It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects; the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our constitution. For what is it but a scheme for taxing the colonies in the anti-chamber of the noble lord and his successors? To settle the quotas and proportions in this house, is clearly impossible. You, sir, may flatter yourself, you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the constitution. Each quota must be brought to this house ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarreling each on its own quantity of payment, and its proportion to others. If you should attempt it, the

committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them, indeed, that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed any thing. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion, that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the

refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to you quota: How will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home, and to one or the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient, and already well taxed colony. Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you, with a clue to lead you out of it? I think, sir, it is impossible, that you should not recollect that the colony bounds are so implicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America, who thinks, that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue: or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a treasury extent against the failing colony. You

must make new Boston port bills, new restraining law acts for dragging men to England for trial. You mus out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed the noble lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste.* I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be; as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I

feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country: I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does—For it secures to the subject the power of REFUSAL; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750: 11: 2¾ths, nor any other paltry limited sum. But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca.* Cannot you in England; cannot you at this time of day; cannot you, a house of commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near one hundred and forty millions in this country? Is this principle to be true in England, and false every where else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For, first observe, that, besides the desire which all men have naturally of supporting the honor of their own government; that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the

soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next we know, that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared, that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained; will be narrow, feeble, uncertain, and precarious. *"Ease would retract vows made in pain, as violent and void."*

I, for one, protest against compounding our demands: I declare against compounding, for a poor limited sum, the immense, ever-growing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude yourselves—you can never receive it—no, not a shilling. We have experience, that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? For certainly, if there ever was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If

America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments; she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light as air, are strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act

of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion, that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.

Is it not the same virtue which does every thing for us here in England? Do you imagine then, that it is the land tax act which raises your revenue? that it is the annual vote in the committee of supply, which gives you your army? or that it is the mutiny bill which inspires it with bravery and discipline? No! Surely no! It is the love of the people; it is their attachment to their government from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every

thing, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our places as becomes our station and ourselves, we ought to auspicate all our public proceedings on America, with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honorable conquests; not by destroying, but by promoting the wealth, the number, the happiness, of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit*)—lay the first stone of the temple of peace; and I move you,

"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

Upon this resolution, the previous question was put, and carried;—for the previous question 270, against it 78.

As the propositions were opened separately in the body of the speech, the reader perhaps may wish to see the whole of them together, in the form in which they were moved for.

"MOVED,

"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending

any knights and burgesses, or others, to represent them in the high court of parliament."

"That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament; though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country, *by lack whereof, they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace, of the subjects inhabiting within the same.*"

"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies."

"That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."*

"That the said general assemblies, general courts, or other bodies, legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his majesty's service, according to their abilities, when required thereto by letter from one of his majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament."

"That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the inhabitants of

* The first four motions and the last had the previous question put on them. The others were negatived. The words in Italics, were, by an amendment that was carried, left out of the motion; which will appear in the journals, though it is not the practice to insert such amendments in the votes.

the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in parliament to be raised and paid in the said colonies."

"That it may be proper to repeal an act, made in the 7th year of the reign of his present majesty, entitled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations."

"That it may be proper to repeal an act, made in the 14th year of the reign of his present majesty, entitled, An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandise, at the town, and within the harbor, of Boston, in the province of Massachusetts Bay, in North America."

"That it may be proper to repeal an act, made in the 14th year of the reign of his present majesty, entitled, An act for the impartial administration of justice, in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England."

"That it is proper to repeal an act, made in the 14th year of the reign of his present majesty, entitled, An act for the better regulating the government of the province of Massachusetts Bay, in New England."

"That it is proper to explain and amend an act, made in the 35th year of the reign of King Henry VIII. entitled, An act for the trial of treasons committed out of the King's dominions."

"That, from the time when the general assembly, or general court, of any colony or plantation, in North America,

shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behavior; and shall not be removed therefrom, but when the said removal shall be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office."

"That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorized by the 15th chapter of the 4th of George III. in such a manner, as to make the same more commodious to those who sue, or are sued, in the said courts; *and to provide for the more decent maintenance of the judges of the same.*"

A LETTER

TO

JOHN FARR AND JOHN HARRIS, Esqrs.

SHERIFFS OF THE CITY OF BRISTOL,

ON THE AFFAIRS OF AMERICA.

1777.

LETTER.

GENTLEMEN,

I HAVE the honor of sending you the two last acts which have been passed with regard to the troubles in America. These acts are similar to all the rest which have been made on the same subject. They operate by the same principle; and they are derived from the very same policy. I think they complete the number of this sort of statutes to nine. It affords no matter for very pleasing reflection, to observe, that our subjects diminish, as our laws increase.

If I have the misfortune of differing with some of my fellow-citizens on this great and arduous subject, it is no small consolation to me, that I do not differ from you. With you, I am perfectly united. We are heartily agreed in our detestation of a civil war. We have ever expressed the most unqualified disapprobation of all the steps which have led to it, and of all those which tend to prolong it. And I have no doubt that we feel exactly the same emotions of grief and shame on all its miserable consequences; whether they appear, on the one side or the other, in the shape of victories or defeats, of captures made from the English on the continent, or from the English in these islands; of legislative regulations which subvert the liberties of our brethren, or which undermine our own.

Of the first of these statutes (that for the letter of marque) I shall say little. Exceptionable as it may be, and as I think it is in some particulars, it seems the natural, perhaps necessary result of the measures we have taken, and the situation we are in. The other (for a partial suspension of the *Habeas Corpus*) appears to me of a much deeper malignity. During its progress through the house of commons, it has been amended, so as to express more distinctly than at first it did,

the avowed sentiments of those who framed it: and the main ground of my exception to it is, because it does express, and does carry into execution, purposes which appear to me so contradictory to all the principles, not only of the constitutional policy of Great Britain, but even of that species of hostile justice, which no asperity of war wholly extinguishes in the minds of a civilized people.

It seems to have in view two capital objects; the first, to enable administration to confine, as long as it shall think proper, those, whom that act is pleased to qualify by the name of *pirates*. Those so qualified, I understand to be, the commanders and mariners of such privateers and ships of war belonging to the colonies, as in the course of this unhappy contest may fall into the hands of the crown. They are therefore to be detained in prison, under the criminal description of piracy, to a future trial and ignominious punishment, whenever circumstances shall make it convenient to execute vengeance on them, under the color of that odious and infamous offence.

To this first purpose of the law, I have no small dislike; because the act does not (as all laws, and all equitable transactions ought to do,) fairly describe its object. The persons, who make a naval war upon us, in consequence of the present troubles, may be rebels; but to call and treat them as pirates, is confounding, not only the natural distinction of things, but the order of crimes; which, whether by putting them from a higher part of the scale to the lower, or from the lower to the higher, is never done without dangerously disordering the whole frame of jurisprudence. Though piracy may be, in the eye of the law, a *less* offence than treason; yet as both are, in effect, punished with the same death, the same forfeiture, and the same corruption of blood, I never would take from any fellow creature whatever, any sort of advantage which he may derive to his safety from the pity of mankind, or to his reputation from their general feelings, by degrading his offence, when I cannot soften his punishment. The general sense of mankind tells me, that those offences, which may possibly

arise from mistaken virtue, are not in the class of infamous actions. Lord Coke, the oracle of the English law, conforms to that general sense where he says, that "those things which are of the highest criminality, may be of the least disgrace." The act prepares a sort of masked proceeding, not honorable to the justice of the kingdom, and by no means necessary for its safety. I cannot enter into it. If Lord Balmerino, in the last rebellion, had driven off the cattle of twenty clans, I should have thought it would have been a scandalous and low juggle, utterly unworthy of the manliness of an English judicature, to have tried him for felony as a stealer of cows.

Besides, I must honestly tell you, that I could not vote for, or countenance in any way, a statute, which stigmatizes with the crime of piracy, these men, whom an act of parliament had previously put out of the protection of the law. When the legislature of this kingdom had ordered all their ships and goods, for the mere new-created offence of exercising trade, to be divided as a spoil among the seamen of the navy,—to consider the necessary reprisal of an unhappy, proscribed, interdicted people, as the crime of piracy, would have appeared in any other legislature than ours, a strain of the most insulting and most unnatural cruelty and injustice. I assure you, I never remember to have heard of any thing like it in any time or country.

The second professed purpose of the act is to detain in England for trial, those who shall commit high treason in America.

That you may be enabled to enter into the true spirit of the present law, it is necessary, gentlemen, to apprize you, that there is an act, made so long ago as in the reign of Henry the Eighth, before the existence or thought of any English colonies in America, for the trial in this kingdom of treasons committed out of the realm. In the year 1769, parliament thought proper to acquaint the crown with their construction of that act in a formal address, wherein they entreated his majesty, to cause persons, charged with high treason in

America, to be brought into this kingdom for trial. By this act of Henry the Eighth, *so construed and so applied*, almost all that is substantial and beneficial in a trial by jury, is taken away from the subject in the colonies. This is however saying too little; for to try a man under that act is, in effect, to condemn him unheard. A person is brought hither in the dungeon of a ship's hold; thence he is vomited into a dungeon on land; loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no one local circumstance that tends to detect perjury can possibly be judged of;—such a person may be executed according to form, but he can never be tried according to justice.

I therefore could never reconcile myself to the bill I send you; which is expressly provided to remove all inconveniences from the establishment of a mode of trial, which has ever appeared to me most unjust and most unconstitutional. Far from removing the difficulties which impede the execution of so mischievous a project, I would heap new difficulties upon it, if it were in my power. All the ancient, honest juridical principles and institutions of England are so many clogs to check and retard the headlong course of violence and oppression. They were invented for this one good purpose; that what was not just should not be convenient. Convinced of this, I would leave things as I found them. The old, cool-headed, general law, is as good as any deviation dictated by present heat.

I could see no fair justifiable expedience pleaded to favor this new suspension of the liberty of the subject. If the English in the colonies can support the independency, to which they have been unfortunately driven, I suppose nobody has such a fanatical zeal for the criminal justice of Henry the Eighth, that he will contend for executions which must be retaliated tenfold on his own friends; or who has conceived so strange an idea of English dignity, as to think the defeats in America compensated by the triumphs of Tyburn. If, on the contrary, the colonies are reduced to the obedience of the

crown, there must be, under that authority, tribunals in the country itself, fully competent to administer justice on all offenders. But if there are not, and that we must suppose a thing so humiliating to our government, as that all this vast continent should unanimously concur in thinking, that no ill fortune can convert resistance to the royal authority into a criminal act, we may call the effect of our victory peace, or obedience, or what we will; but the war is not ended; the hostile mind continues in full vigor, and it continues under a worse form. If your peace be nothing more than a sullen pause from arms; if their quiet be nothing but the meditation of revenge, where smitten pride, smarting from its wounds, festers into new rancor, neither the act of Henry the Eighth, nor its handmaid of this reign, will answer any wise end of policy or justice. For if the bloody fields, which they saw and felt, are not sufficient to subdue the reason of America, (to use the expressive phrase of a great lord in office) it is not the judicial slaughter, which is made in another hemisphere against their universal sense of justice, that will ever reconcile them to the British government.

I take it for granted, gentlemen, that we sympathize in a proper horror of all punishment further than as it serves for an example. To whom then does the example of an execution in England for this American rebellion apply? Remember, you are told every day, that the present is a contest between the two countries; and that we in England are at war for *our own* dignity against our rebellious children. Is this true? If it be, it is surely among such rebellious children that examples for disobedience should be made, to be in any degree instructive: for whoever thought of teaching parents their duty by an example from the punishment of an undutiful son? As well might the execution of a fugitive negro in the plantations, be considered as a lesson to teach masters humanity to their slaves. Such executions may indeed satiate our revenge; they may harden our hearts, and puff us up with pride and arrogance. Alas! this is not instruction!

If any thing can be drawn from such examples by a parity of the case, it is to shew, how deep their crime and how heavy their punishment will be, who shall at any time dare to resist a distant power actually disposing of their property, without their voice or consent to the disposition; and overturning their franchises without charge or hearing. God forbid that England should ever read this lesson written in the blood of *any* of her offspring!

War is at present carried on between the king's natural and foreign troops, on one side, and the English in America on the other, upon the usual footing of other wars; and accordingly an exchange of prisoners has been regularly made from the beginning. If, notwithstanding this hitherto equal procedure, upon some prospect of ending the war with success, (which however may be delusive) administration prepares to act against those as *traitors* who remain in their hands at the end of the troubles, in my opinion we shall exhibit to the world as indecent a piece of injustice as ever civil fury has produced. If the prisoners who have been exchanged, have not by that exchange been *virtually pardoned*, the cartel (whether avowed or understood) is a cruel fraud; for you have received the life of a man, and you ought to return a life for it, or there is no parity or fairness in the transaction.

If, on the other hand, we admit, that they who are actually exchanged are pardoned, but contend that you may justly reserve for vengeance, those who remain unexchanged; then this unpleasant and unhandsome consequence will follow; that you judge of the delinquency of men merely by the time of their guilt, and not by the heinousness of it; and you make fortune and accidents, and not the moral qualities of human action, the rule of your justice.

These strange incongruities must ever perplex those, who confound the unhappiness of civil dissension with the crime of treason. Whenever a rebellion really and truly exists, which is as easily known in fact, as it is difficult to define in words, government has not entered into such military conventions; but has ever declined all intermediate treaty, which

should put rebels in possession of the law of nations with regard to war. Commanders would receive no benefits at their hands, because they could make no return for them. Who has ever heard of capitulation, and parole of honor, and exchange of prisoners, in the late rebellions in this kingdom? The answer to all demands of that sort was, "we can engage for nothing; you are at the king's pleasure." We ought to remember, that if our present enemies be, in reality and truth, rebels, the king's generals have no right to release them upon any conditions whatsoever; and they are themselves answerable to the law, and as much in want of a pardon for doing so, as the rebels whom they release.

Lawyers, I know, cannot make the distinction, for which I contend; because they have their strict rule to go by. But legislators ought to do what lawyers cannot; for they have no other rules to bind them, but the great principles of reason and equity, and the general sense of mankind. These they are bound to obey and follow; and rather to enlarge and enlighten law by the liberality of legislative reason, than to fetter and bind their higher capacity by the narrow constructions of subordinate artificial justice. If we had adverted to this, we never could consider the convulsions of a great empire, not disturbed by a little disseminated faction, but divided by whole communities and provinces, and entire legal representatives of a people, as fit matter of discussion under a commission of Oyer and Terminer. It is as opposite to reason and prudence, as it is to humanity and justice.

This act, proceeding on these principles, that is, preparing to end the present troubles by a trial of one sort of hostility, under the name of piracy, and of another by the name of treason, and executing the act of Henry the Eighth according to a new and unconstitutional interpretation, I have thought evil and dangerous, even though the instruments of effecting such purposes had been merely of a neutral quality.

But it really appears to me, that the means which this act employs are, at least, as exceptionable as the end. Permit me to open myself a little upon this subject, because it is of

importance to me, when I am obliged to submit to the power without acquiescing in the reason of an act of legislature, that I should justify my dissent, by such arguments as may be supposed to have weight with a sober man.

The main operative regulation of the act is to suspend the common law, and the statute *Habeas Corpus*, (the sole securities either for liberty or justice) with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

I confess, gentlemen, that this appears to me as bad in the principle, and far worse in its consequence, than an universal suspension of the *Habeas Corpus* act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery. But unfortunately, it is the kind of slavery the most easily admitted in times of civil discord; for parties are but too apt to forget their own future safety in their desire of sacrificing their enemies. People, without much difficulty, admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding it is never the faction of the predominant power that is in danger; for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law; and there is nothing to bridle the partial violence of state factions, but this; "that whenever an act is made for a cessation of law and justice, the whole people should be universally subjected to the same suspension of their franchises." The alarm of such a proceeding would then be universal. It would operate as a sort of *Call of the nation*. It would become every man's immediate and instant concern to be made very sensible of *the absolute necessity* of this total eclipse of liberty. They would more carefully advert to every renewal; and more powerfully resist it. These great deter-

mined measures are not commonly so dangerous to freedom. They are marked with too strong lines to slide into use. No plea, nor pretence of *inconvenience or evil example* (which must in their nature be daily and ordinary incidents) can be admitted as a reason for such mighty operations. But the true danger is, when liberty is nibbled away, for expedients, and by parts. The *Habeas Corpus* act supposes, contrary to the genius of most other laws, that the lawful magistrate may see particular men with a malignant eye, and it provides for that identical case. But when men, in particular descriptions, marked out by the magistrate himself, are delivered over by parliament to this possible malignity, it is not the *Habeas Corpus* that is occasionally suspended, but its spirit, that is mistaken, and its principle that is subverted. Indeed nothing is security to any individual but the common interest of all.

This act therefore, has this distinguished evil in it, that it is the first *partial* suspension of the *Habeas Corpus* that has been made. The precedent, which is always of very great importance, is now established. For the first time a distinction is made among the people within this realm. Before this act, every man putting his foot on English ground, every stranger owing only a local and temporary allegiance, even negro slaves who had been sold in the colonies and under an act of parliament, became as free as every other man who breathed the same air with them. Now a line is drawn, which may be advanced further and further at pleasure, on the same argument of mere expedience, on which it was first described. There is no equality among us; we are not fellow citizens, if the mariner who lands on the quay, does not rest on as firm legal ground as the merchant who sits in his counting-house. Other laws may injure the community, this dissolves it. As things now stand, every man in the West Indies, every one inhabitant of three unoffending provinces on the continent, every person coming from the East Indies, every gentleman who has traveled for his health or education, every mariner who has navigated the seas, is, for no

other offence, under a temporary proscription. Let any of these facts (now become presumptions of guilt) be proved against him, and the bare suspicion of the crown puts him out of the law. It is even by no means clear to me, whether the negative proof does not lie upon the person apprehended on suspicion, to the subversion of all justice.

I have not debated against this bill in its progress through the house; because it would have been vain to oppose, and impossible to correct it. It is some time since I have been clearly convinced, that in the present state of things all opposition to any measures proposed by ministers, where the name of America appears, is vain and frivolous. You may be sure that I do not speak of my opposition, which in all circumstances must be so; but that of men of the greatest wisdom and authority in the nation. Every thing proposed against America is supposed of course to be in favor of Great Britain. Good and ill success are equally admitted as reasons for persevering in the present methods. Several very prudent, and very well-intentioned persons were of opinion, that during the prevalence of such dispositions, all struggle rather inflamed than lessened the distemper of the public counsels. Finding such resistance to be considered as factious by most within doors, and by very many without, I cannot conscientiously support what is against my opinion, nor prudently contend with what I know is irresistible. Preserving my principles unshaken, I reserve my activity for rational endeavors; and I hope that my past conduct has given sufficient evidence, that if I am a single day from my place, it is not owing to indolence or love of dissipation. The slightest hope of doing good is sufficient to recall me to what I quitted with regret. In declining for some time my usual strict attendance, I do not in the least condemn the spirit of those gentlemen, who, with a just confidence in their abilities, (in which I claim a sort of share from my love and admiration of them) were of opinion that their exertions in this desperate case might be of some service. They thought, that by contracting the sphere of its application, they might lessen the malignity of an evil

principle. Perhaps they were in the right. But when my opinion was so very clearly to the contrary, for the reasons I have just stated, I am sure *my* attendance would have been ridiculous.

I must add in further explanation of my conduct, that far from softening the features of such a principle, and thereby removing any part of the popular odium or natural terrors attending it, I should be sorry, that any thing framed in contradiction to the spirit of our constitution did not instantly produce in fact, the grossest of the evils, with which it was pregnant in its nature. It is by lying dormant a long time, or being at first very rarely exercised, that arbitrary power steals upon a people. On the next unconstitutional act, all the fashionable world will be ready to say—Your prophecies are ridiculous, your fears are vain, you see how little of the mischiefs which you formerly foreboded are come to pass. Thus, by degrees, that artful softening of all arbitrary power, the alleged infrequency or narrow extent of its operation, will be received as a sort of aphorism—and Mr. *Hume* will not be singular in telling us, that the felicity of mankind is no more disturbed by it, than by earthquakes or thunder, or the other more unusual accidents of nature.

The act of which I speak is among the fruits of the American war; a war in my humble opinion productive of many mischiefs, of a kind which distinguish it from all others. Not only our policy is deranged, and our empire distracted, but our laws and our legislative spirit appear to have been totally perverted by it. We have made war on our colonies, not by arms only, but by laws. As hostility and law are not very concordant ideas, every step we have taken in this business has been made by trampling on some maxim of justice, or some capital principle of wise government. What precedents were established, and what principles overturned, (I will not say of English privilege, but of general justice,) in the Boston Port, the Massachusetts Charter, the Military Bill, and all that long array of hostile acts of parliament, by which the war with America has been begun and supported! Had the

principles of any of these acts been first exerted on English ground, they would probably have expired as soon as they touched it. But by being removed from our persons, they have rooted in our laws; and the latest posterity will taste the fruits of them.

Nor is it the worst effect of this unnatural contention, that our *laws* are corrupted. Whilst *manners* remain entire, they will correct the vices of law, and soften it at length to their own temper. But we have to lament, that in most of the late proceedings we see very few traces of that generosity, humanity, and dignity of mind which formerly characterized this nation. War suspends the rules of moral obligation, and what is long suspended is in danger of being totally abrogated. Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow citizens in a hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage, when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune. But we have no charter of exemption, that I know of, from the ordinary frailties of our nature.

What but that blindness of heart which arises from the phrensy of civil contention, could have made any persons conceive the present situation of the British affairs as an object of triumph to themselves, or of congratulation to their sovereign? Nothing surely could be more lamentable to those who remember the flourishing days of this kingdom, than to see the insane joy of several unhappy people, amidst the sad spectacle which our affairs and conduct exhibit to the scorn of Europe. We behold (and it seems some people rejoice in beholding) our native land, which used to sit the envied arbiter of all her neighbors, reduced to a servile dependence on their mercy; acquiescing in assurances of friendship which

she does not trust; complaining of hostilities which she dares not resent; deficient to her allies; lofty to her subjects, and submissive to her enemies; whilst the liberal government of this free nation is supported by the hireling sword of German boors and vassals; and three millions of the subjects of Great Britain are seeking for protection to English privileges in the arms of France!

These circumstances appear to me more like shocking prodigies, than natural changes in human affairs. Men of firmer minds may see them without staggering or astonishment. Some may think them matters of congratulation and complimentary addresses; but I trust your candor will be so indulgent to my weakness, as not to have the worse opinion of me for my declining to participate in this joy; and my rejecting all share whatsoever in such a triumph. I am too old, too stiff in my inveterate partialities, to be ready at all the fashionable evolutions of opinion. I scarcely know how to adapt my mind to the feelings with which the court gazettes mean to impress the people. It is not instantly that I can be brought to rejoice, when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the White Plains by Colonel Rahl, has no charms for me; and I fairly acknowledge, that I have not yet learned to delight in finding Fort Kniphausen in the heart of the British dominions.

It might be some consolation for the loss of our old regards, if our reason were enlightened in proportion as our honest prejudices are removed. Wanting feelings for the honor of our country, we might then in cold blood be brought to think a little of our interests as individual citizens, and our private conscience as moral agents.

Indeed our affairs are in a bad condition. I do assure those gentlemen who have prayed for war, and obtained the blessing they have sought, that they are at this instant in very great straits. The abused wealth of this country continues, a

little longer to feed its distemper. As yet they, and their German allies of twenty hireling states, have contended only with the unprepared strength of our own infant colonies. But America is not subdued. Not one unattacked village which was originally adverse throughout that vast continent, has yet submitted from love or terror. You have the ground you encamp on; and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread devastation, but you do not enlarge the sphere of authority.

The events of this war are of so much greater magnitude than those who either wished or feared it, ever looked for, that this alone ought to fill every considerate mind with anxiety and diffidence. Wise men often tremble at the very things which fill the thoughtless with security. For many reasons I do not choose to expose to public view, all the particulars of the state in which you stood with regard to foreign powers, during the whole course of the last year. Whether you are yet wholly out of danger from them, is more than I know, or than your rulers can divine. But even if I were certain of my safety, I could not easily forgive those who had brought me into the most dreadful perils, because by accidents, unforeseen by them or me, I have escaped.

Believe me, gentlemen, the way still before you is intricate, dark, and full of perplexed and treacherous mazes. Those who think they have the clue, may lead us out of this labyrinth. We may trust them as amply as we think proper; but as they have most certainly a call for all the reason which their stock can furnish, why should we think it proper to disturb its operation by inflaming their passions? I may be unable to lend a helping hand to those who direct the state; but I should be ashamed to make myself one of a noisy multitude to hollow and hearten them into doubtful and dangerous courses. A conscientious man would be cautious how he dealt in blood. He would feel some apprehension at being called to a tremendous account for engaging in so deep a play, without any sort of knowledge of the game. It is no excuse

for presumptuous ignorance, that it is directed by insolent passion. The poorest being that crawls on earth, contending to save itself from injustice and oppression, is an object respectable in the eyes of God and man. But I cannot conceive any existence under heaven, (which in the depths of its wisdom tolerates all sorts of things) that is more truly odious and disgusting, than an impotent helpless creature, without civil wisdom or military skill, without a consciousness of any other qualification for power but his servility to it, bloated with pride and arrogance, calling for battles which he is not to fight, contending for a violent dominion which he can never exercise, and satisfied to be himself mean and miserable, in order to render others contemptible and wretched.

If you and I find our talents not of the great and ruling kind, our conduct at least, is conformable to our faculties. No man's life pays the forfeit of our rashness. No desolate widow weeps tears of blood over our ignorance. Scrupulous and sober in a well grounded distrust of ourselves, we would keep in the port of peace and security; and perhaps in recommending to others something of the same diffidence, we should shew ourselves more charitable to their welfare, than injurious to their abilities.

There are many circumstances in the zeal shewn for civil war, which seem to discover but little of real magnanimity. The addressers offer their own persons, and they are satisfied with hiring Germans. They promise their private fortunes, and they mortgage their country. They have all the merit of volunteers, without risk of person or charge of contribution; and when the unfeeling arm of a foreign soldiery pours out their kindred blood like water, they exult and triumph as if they themselves had performed some notable exploit. I am really ashamed of the fashionable language which has been held for some time past; which to say the best of it, is full of levity. You know, that I allude to the general cry against the cowardice of the Americans, as if we despised them for not making the king's soldiery purchase the advant-

age they have obtained, at a dearer rate. It is not, gentlemen, it is not, to respect the dispensations of Providence, nor to provide any decent retreat in the mutability of human affairs. It leaves no medium between insolent victory and infamous defeat. It tends to alienate our minds further and further from our natural regards, and to make an eternal rent and schism in the British nation. Those who do not wish for such a separation, would not dissolve that cement of reciprocal esteem and regard, which can alone bind together the parts of this great fabric. It ought to be our wish, as it is our duty, not only to forbear this style of outrage ourselves, but to make every one as sensible as we can of the impropriety and unworthiness of the tempers which gave rise to it, and which designing men are laboring with such malignant industry to diffuse amongst us. It is our business to counteract them, if possible; if possible, to awake our natural regards; and to revive the old partiality to the English name. Without something of this kind I do not see how it is ever practicable really to reconcile with those, whose affection, after all, must be the surest hold of our government; and which is a thousand times more worth to us, than the mercenary zeal of all the circles of Germany.

I can well conceive a country completely overrun, and miserably wasted, without approaching in the least to settlement. In my apprehension, as long as English government is attempted to be supported over Englishmen by the sword alone, things will thus continue. I anticipate in my mind the moment of the final triumph of foreign military force. When that hour arrives, (for it may arrive) then it is, that all this mass of weakness and violence will appear in its full light. If we should be expelled from America, the delusion of the partisans of military government might still continue. They might still feed their imaginations with the possible good consequences which might have attended success. Nobody could prove the contrary by facts. But in case the sword should do all that the sword can do, the success of their arms and the defeat of their policy, will be one and the same thing.

You will never see any revenue from America. Some increase of the means of corruption, without ease of the public burthens, is the very best that can happen. Is it for this that we are at war; and in such a war?

As to the difficulties of laying once more the foundations of that government, which, for the sake of conquering what was our own, has been voluntarily and wantonly pulled down by a court faction here, I tremble to look at them. Has any one of these gentlemen, who are so eager to govern all mankind, shewn himself possessed of the first qualification towards government, some knowledge of the object, and of the difficulties which occur in the task they have undertaken?

I assure you, that on the most prosperous issue of your arms, you will not be where you stood, when you called in war to supply the defects of your political establishment. Nor would any disorder or disobedience to government which could arise from the most abject concession on our part, ever equal those which will be felt after the most triumphant violence. You have got all the intermediate evils of war into the bargain.

I think I know America. If I do not, my ignorance is incurable, for I have spared no pains to understand it; and I do most solemnly assure those of my constituents who put any sort of confidence in my industry and integrity, that every thing that has been done there has arisen from a total misconception of the object: that our means of originally holding America, that our means of reconciling with it after quarrel, of recovering it after separation, of keeping it after victory, did depend, and must depend, in their several stages and periods, upon a total renunciation of that unconditional submission, which has taken such possession of the minds of violent men. The whole of those maxims, upon which we have made and continued this war, must be abandoned. Nothing indeed (for I would not deceive you) can place us in our former situation. That hope must be laid aside. But there is a difference between bad and the worst of all. Terms relative to the cause of the war ought to be offered by the

authority of parliament. An arrangement at home promising some security for them ought to be made. By doing this, without the least impairing of our strength, we add to the credit of our moderation, which, in itself, is always strength more or less.

I know many have been taught to think, that moderation, in a case like this, is a sort of treason; and that all arguments for it are sufficiently answered by railing at rebels and rebellion, and by charging all the present or future miseries which we may suffer, on the resistance of our brethren. But I would wish them, in this grave matter, and if peace is not wholly removed from their hearts, to consider seriously, first, that to criminate and recriminate never yet was the road to reconciliation, in any difference amongst men. In the next place, it would be right to reflect, that the American English (whom they may abuse, if they think it honorable to revile the absent,) can, as things now stand, neither be provoked at our railing, or bettered by our instruction. All communication is cut off between us; but this we know with certainty, that though we cannot reclaim them, we may reform ourselves. If measures of peace are necessary, they must begin somewhere; and a conciliatory temper must precede and prepare every plan of reconciliation. Nor do I conceive that we suffer any thing by thus regulating our own minds. We are not disarmed by being disencumbered of our passions. Declaiming on rebellion never added a bayonet, or a charge of powder to your military force; but I am afraid that it has been the means of taking up many muskets against you.

This outrageous language, which has been encouraged and kept alive by every art, has already done incredible mischief. For a long time, even amidst the desolations of war, and the insults of hostile laws daily accumulated on one another; the American leaders seem to have had the greatest difficulty in bringing up their people to a declaration of total independence. But the court gazette accomplished what the abettors of independence had attempted in vain. When that disingenuous compilation, and strange medley of railing and

flattery, was adduced, as a proof of the united sentiments of the people of Great Britain, there was a great change throughout all America. The tide of popular affection, which had still set towards the parent country, begun immediately to turn; and to flow with great rapidity in a contrary course. Far from concealing these wild declarations of enmity, the author of the celebrated pamphlet which prepared the minds of the people for independence, insists largely on the multitude and the spirit of these addresses; and he draws an argument from them, which (if the fact were as he supposes) must be irresistible. For I never knew a writer on the theory of government so partial to authority, as not to allow, that the hostile mind of the rulers to their people, did fully justify a change of government; nor can any reason whatever be given, why one people should voluntarily yield any degree of preëminence to another, but on a supposition of great affection and benevolence towards them. Unfortunately your rulers, trusting to other things, took no notice of this great principle of connection. From the beginning of this affair, they have done all they could to alienate your minds from your own kindred; and if they could excite hatred enough in one of the parties towards the other, they seemed to be of opinion that they had gone half the way towards reconciling the quarrel.

I know it is said, that your kindness is only alienated on account of their resistance; and therefore if the colonies surrender at discretion, all sort of regard, and even much indulgence is meant towards them in future. But can those who are partisans for continuing a war to enforce such a surrender, be responsible (after all that has passed) for such a future use of a power, that is bound by no compacts, and restrained by no terror? Will they tell us what they call indulgences? Do they not at this instant call the present war and all its horrors, a lenient and merciful proceeding?

No conqueror, that I ever heard of has *professed* to make a cruel, harsh, and insolent use of his conquest. No! The man of the most declared pride, scarcely dares to trust his

own heart, with this dreadful secret of ambition. But it will appear in its time; and no man who professes to reduce another to the insolent mercy of a foreign arm, ever had any sort of good-will towards him. The profession of kindness, with that sword in his hand, and that demand of surrender, is one of the most provoking acts of his hostility. I shall be told, that all this is lenient as against rebellious adversaries. But are the leaders of their faction more lenient to those who submit! Lord Howe and General Howe have powers under an act of parliament, to restore to the king's peace and to free trade any men, or district, which shall submit. Is this done? We have been over and over informed by the authorized gazette, that the city of New York, and the countries of Staten and Long Island have submitted voluntarily and cheerfully, and that many are very full of zeal to the cause of administration. Were they instantly restored to trade? Are they yet restored to it? Is not the benignity of two commissioners, naturally most humane and generous men, some way fettered by instructions, equally against their dispositions and the spirit of parliamentary faith; when Mr. Tryon, vaunting of the fidelity of the city in which he is governor, is obliged to apply to ministry for leave to protect the king's loyal subjects, and to grant to them (not the disputed rights and privileges of freedom) but the common rights of men, by the name of *graces?* Why do not the commissioners restore them on the spot? Were they not named as commissioners for that express purpose? But we see well enough to what the whole leads. The trade of America is to be dealt out in *private indulgences and graces;* that is, in jobs to recompense the incendiaries of war. They will be informed of the proper time in which to send out their merchandise. From a national, the American trade is to be turned into a personal monopoly: and one set of merchants are to be rewarded for the pretended zeal, of which another set are the dupes; and thus between craft and credulity, the voice of reason is stifled; and all the misconduct, all the calamities of the war are covered and continued.

If I had not lived long enough to be little surprised at any thing, I should have been in some degree astonished at the continued rage of several gentlemen, who, not satisfied with carrying fire and sword into America, are animated nearly with the same fury against those neighbors of theirs, whose only crime it is, that they have charitably and humanely wished them to entertain more reasonable sentiments, and not always to sacrifice their interest to their passion. All this rage against unresisting dissent, convinces me, that at bottom, they are far from satisfied they are in the right. For what is it they would have? A war? They certainly have at this moment the blessing of something that is very like one; and if the war they enjoy at present be not sufficiently hot and extensive, they may shortly have it as warm and as spreading as their hearts can desire. Is it the force of the kingdom they call for? They have it already; and if they choose to fight their battles in their own person, nobody prevents their setting sail to America in the next transports. Do they think, that the service is stinted for want of liberal supplies? Indeed they complain without reason. The table of the house of commons will glut them, let their appetite for expense be never so keen. And I assure them further, that those who think with them in the house of commons are full as easy in the control, as they are liberal in the vote of these expenses. If this be not supply or confidence sufficient, let them open their own private purse strings and give, from what is left to them, as largely and with as little care as they think proper.

Tolerated in their passions, let them learn not to persecute the moderation of their fellow citizens. If all the world joined them in a full cry against rebellion, and were as hotly inflamed against the whole theory and enjoyment of freedom, as those who are the most factious for servitude, it could not in my opinion answer any one end whatsoever in this contest. The leaders of this war could not hire (to gratify their friends) one German more, than they do; or inspire him with less feeling for the persons, or less value for the privileges, of their revolted brethren. If we all adopted their sentiments to a man, their

allies, the savage Indians, could not be more ferocious than they are: they could not murder one more helpless woman or child, or with more exquisite refinements of cruelty, torment to death one more of their English flesh and blood, than they do already. The public money is given to purchase this alliance:—and they have their bargain.

They are continually boasting of unanimity, or calling for it. But before this unanimity can be matter either of wish or congratulation, we ought to be pretty sure, that we are engaged in a rational pursuit. Phrensy does not become a slighter distemper on account of the number of those who may be infected with it. Delusion and weakness produce not one mischief the less, because they are universal. I declare, that I cannot discern the least advantage which could accrue to us, if we were able to persuade our colonies that they had not a single friend in Great Britain. On the contrary, if the affections and opinions of mankind be not exploded as principles of connection, I conceive it would be happy for us, if they were taught to believe, that there was even a formed American party in England, to whom they could always look for support! Happy would it be for us, if in all tempers, they might turn their eyes to the parent state: so that their very turbulence and sedition should find vent in no other place than this. I believe there is not a man (except those who prefer the interest of some paltry faction to the very being of their country) who would not wish that the Americans should from time to time carry many points, and even some of them not quite reasonable, by the aid of any denomination of men here, rather than they should be driven to seek for protection against the fury of foreign mercenaries, and the waste of savages, in the arms of France.

When any community is subordinately connected with another, the great danger of the connection is the extreme pride and self-complacency of the superior, which in all matters of controversy will probably decide in its own favor. It is a powerful corrective to such a very rational cause of fear, if the inferior body can be made to believe, that the party

inclination or political views of several in the principal state, will induce them in some degree to counteract this blind and tyrannical partiality. There is no danger that any one acquiring consideration or power in the presiding state, should carry this leaning to the inferior too far. The fault of human nature is not of that sort. Power in whatever hands is rarely guilty of too strict limitations on itself. But one great advantage to the support of authority attends such an amicable and protecting connection, that those who have conferred favors obtain influence; and from the foresight of future events can persuade men, who have received obligations, sometimes to return them. Thus by the mediation of those healing principles, (call them good or evil) troublesome discussions are brought to some sort of adjustment; and every hot controversy is not a civil war.

But, if the colonies (to bring the general matter home to us) could see, that in Great Britain the mass of the people is melted into its government, and that every dispute with the ministry, must of necessity be always a quarrel with the nation; they can stand no longer in the equal and friendly relation of fellow-citizens to the subjects of this kingdom. Humble as this relation may appear to some, when it is once broken, a strong tie is dissolved. Other sort of connections will be sought. For, there are very few in the world, who will not prefer an useful ally to an insolent master.

Such discord has been the effect of the unanimity into which so many have of late been seduced or bullied, or into the appearance of which they have sunk through mere despair. They have been told that their dissent from violent measures is an encouragement to rebellion. Men of great presumption and little knowledge will hold a language which is contradicted by the whole course of history. *General* rebellions and revolts of an whole people never were *encouraged*, now or at any time. They are always *provoked*. But if this unheard-of doctrine of the encouragement of rebellion were true, if it were true that an assurance of the friendship of numbers in this country towards the colonies, could become

an encouragement to them to break off all connection with it, what is the inference? Does any body seriously maintain, that, charged with my share of the public councils, I am obliged not to resist projects which I think mischievous, lest men who suffer should be encouraged to resist? The very tendency of such projects to produce rebellion is one of the chief reasons against them. Shall that reason not be given? Is it then a rule, that no man in this nation shall open his mouth in favor of the colonies, shall defend their rights, or complain of their sufferings? Or when war finally breaks out, no man shall express his desires of peace? Has this been the law of our past, or is it to be the terms of our future connection? Even looking no further than ourselves, can it be true loyalty to any government, or true patriotism towards any country, to degrade their solemn councils into servile drawing rooms, to flatter their pride and passions, rather than to enlighten their reason, and to prevent them from being cautioned against violence lest others should be encouraged to resistance? By such acquiescence great kings and mighty nations have been undone; and if any are at this day in a perilous situation from rejecting truth, and listening to flattery, it would rather become them to reform the errors under which they suffer, than to reproach those who forewarned them of their danger.

But the rebels looked for assistance from this country. They did so in the beginning of this controversy, most certainly; and they sought it by earnest supplications to government, which dignity rejected, and by a suspension of commerce, which the wealth of this nation enabled you to despise. When they found that neither prayers nor menaces had any sort of weight, but that a firm resolution was taken to reduce them to unconditional obedience by a military force, they came to the last extremity. Despairing of us, they trusted in themselves. Not strong enough themselves, they sought succor in France. In proportion as all encouragement here lessened, their distance from this country increased. The encouragement is over; the alienation is complete.

In order to produce this favorite unanimity in delusion, and to prevent all possibility of a return to our ancient happy concord, arguments for our continuance in this course, are drawn from the wretched situation itself into which we have been betrayed. It is said, that being at war with the colonies, whatever our sentiments might have been before, all ties between us are now dissolved; and all the policy we have left is to strengthen the hands of government to reduce them. On the principle of this argument, the more mischiefs we suffer from any administration, the more our trust in it is to be confirmed. Let them but once get us into a war, and then their power is safe, and an act of oblivion past for all their misconduct.

But is it really true, that government is always to be strengthened with the instruments of war, but never furnished with the means of peace? In former times ministers, I allow, have been sometimes driven by the popular voice to assert by arms the national honor against foreign powers. But the wisdom of the nation has been far more clear, when those ministers have been compelled to consult its interests by treaty. We all know that the sense of the nation obliged the court of Charles the Second to abandon the *Dutch war;* a war next to the present the most impolitic which we ever carried on. The good people of England considered Holland as a sort of dependency on this kingdom; they dreaded to drive it to the protection, or subject it to the power of France, by their own inconsiderate hostility. They paid but little respect to the court jargon of that day; nor were they inflamed by the pretended rivalship of the Dutch in trade: by the massacre at Amboyna, acted on the stage to provoke the public vengeance; nor by declamations against the ingratitude of the United Provinces for the benefits England had conferred upon them in their infant state. They were not moved from their evident interest by all these arts; nor was it enough to tell them, they were at war; that they must go through with it; and that the cause of the dispute was lost in the consequences. The people of England were then, as they are now, called upon to

make government strong. They thought it a great deal better to make it wise and [redacted].

When I was amon[redacted]y constituents at the last summer assizes, I remember that men of all descriptions did then express a very strong desire for peace, and no slight hopes of attaining it from the commission sent out by my Lord Howe. And it is not a little remarkable, that in proportion as every person shewed a zeal for the court measures, he was then earnest in circulating an opinion of the extent of the supposed powers of that commission. When I told them that Lord Howe had no powers to treat, or to promise satisfaction on any point whatsoever of the controversy, I was hardly credited; so strong and general was the desire of terminating this war by the method of accommodation. As far as I could discover, this was the temper then prevalent through the kingdom. The king's forces, it must be observed, had at that time been obliged to evacuate Boston. The superiority of the former campaign rested wholly with the colonists. If such powers of treaty were to be wished, whilst success was very doubtful, how came they to be less so, since his majesty's arms have been crowned with many considerable advantages? Have these successes induced us to alter our mind, as thinking the season of victory not the time for treating with honor or advantage? Whatever changes have happened in the national character, it can scarcely be our wish, that terms of accommodation never should be proposed to our enemy, except when they must be attributed solely to our fears. It has happened, let me say unfortunately, that we read of his majesty's commission for making peace, and his troops evacuating his last town in the thirteen colonies, at the same hour, and in the same gazette. It was still more unfortunate, that no commission went to America to settle the troubles there until several months after an act had been passed to put the colonies out of the protection of this government, and to divide their trading property, without a possibility of restitution, as spoil among the seamen of the navy. The most abject submission on the part of the colonies could not redeem

them. There was no man on that whole continent, or within three thousand miles of it, qualified by law to follow allegiance with protection, or submission with pardon. A proceeding of this kind has no example in history. Independency, and independency with an enmity (which putting ourselves out of the question would be called natural and much provoked) was the inevitable consequence. How this came to pass, the nation may be one day in a humor to inquire.

All the attempts made this session to give fuller powers of peace to the commanders in America, were stifled by the fatal confidence of victory, and the wild hopes of unconditional submission. There was a moment favorable to the king's arms, when if any powers of concession had existed, on the other side of the Atlantic, even after all our errors, peace in all probability might have been restored. But calamity is unhappily the usual season of reflection; and the pride of men will not often suffer reason to have any scope until it can be no longer of service.

I have always wished, that as the dispute had its apparent origin from things done in parliament, and as the acts passed there had provoked the war, that the foundations of peace should be laid in parliament also. I have been astonished to find, that those whose zeal for the dignity of our body was so hot, as to light up the flames of civil war, should even publicly declare, that these delicate points ought to be wholly left to the crown. Poorly as I may be thought affected to the authority of parliament, I shall never admit that our constitutional rights can ever become a matter of ministerial negotiation.

I am charged with being an American. If warm affection towards those over whom I claim any share of authority, be a crime, I am guilty of this charge. But I do assure you (and they who know me publicly and private'y will bear witness to me) that if ever one man lived, more zealous than another, for the supremacy of parliament, and the rights of this imperial crown, it was myself. Many others indeed might be more knowing in the extent of the foundation of these rights.

I do not pretend to be an antiquary, a lawyer, or qualified for the chair of professor in metaphysics. I never ventured to put your solid interests upon speculative grounds. My having constantly declined to do so has been attributed to my incapacity for such disquisitions; and I am inclined to believe it is partly the cause. I never shall be ashamed to confess, that where I am ignorant I am diffident. I am indeed not very solicitous to clear myself of this imputed incapacity; because men, even less conversant than I am, in this kind of subtleties, and placed in stations, to which I ought not to aspire, have by the mere force of civil discretion, often conducted the affairs of great nations with distinguished felicity and glory.

When I first came into a public trust, I found your parliament in possession of an unlimited legislative power over the colonies. I could not open the statute book, without seeing the actual exercise of it, more or less, in all cases whatsoever. This possession passed with me for a title. It does so in all human affairs. No man examines into the defects of his title to his paternal estate, or to his established government. Indeed common sense taught me, that a legislative authority, not actually limited by the express terms of its foundation, or by its own subsequent acts, cannot have its powers parceled out by argumentative distinctions, so as to enable us to say, that here they can, and there they cannot bind. Nobody was so obliging as to produce to me any record of such distinctions, by compact or otherwise, either at the successive formation of the several colonies, or during the existence of any of them. If any gentlemen were able to see, how one power could be given up, (merely on abstract reasoning) without giving up the rest, I can only say, that they saw further than I could; nor did I ever presume to condemn any one for being clear-sighted, when I was blind. I praise their penetration and learning; and hope that their practice has been correspondent to their theory.

I had indeed very earnest wishes to keep the whole body of this authority perfect and entire as I found it, and to keep it

so, not for our advantage solely; but principally for the sake of those, on whose account all just authority exists; I mean the people to be governed. For I thought I saw, that many cases might well happen, in which the exercise of every power comprehended in the broadest idea of legislature, might become, in its time and circumstances, not a little expedient for the peace and union of the colonies amongst themselves, as well as for their perfect harmony with Great Britain. Thinking so, (perhaps erroneously) but being honestly of that opinion, I was at the same time very sure, that the authority of which I was so jealous, could not, under the actual circumstances of our plantations, be at all preserved in any of its members, but by the greatest reserve in its application; particularly in those delicate points, in which the feelings of mankind are the most irritable. They who thought otherwise, have found a few more difficulties in their work, than (I hope) they were thoroughly aware of, when they undertook the present business. I must beg leave to observe, that it is not only the invidious branch of taxation that will be resisted, but that no other given part of legislative rights can be exercised, without regard to the general opinion of those who are to be governed. That general opinion is the vehicle, and organ of legislative omnipotence. Without this, it may be a theory to entertain the mind, but it is nothing in the direction of affairs. The completeness of the legislative authority of parliament *over this kingdom* is not questioned; and yet many things indubitably included in the abstract idea of that power, and which carry no absolute injustice in themselves, yet being contrary to the opinions and feelings of the people, can as little be exercised, as if parliament in that case had been possessed of no right at all. I see no abstract reason, which can be given, why the same power which made and repealed the high commission court and the star-chamber, might not revive them again; and these courts, warned by their former fate, might possibly exercise their powers with some degree of justice. But the madness would be as unquestionable, as the competence of that parliament, which should

attempt such things. If any thing can be supposed out of the power of human legislature, it is religion: I admit, however, that the established religion of this country has been three or four times altered by act of parliament; and therefore that a statute binds even in that case. But we may very safely affirm, that notwithstanding this apparent omnipotence, it would be now found as impossible for king and parliament to alter the established religion of this country, as it was to King James alone, when he attempted to make such an alteration without a parliament. In effect, to follow, not to force the public inclination; to give a direction, a form, a technical dress, and a specific sanction, to the general sense of the community, is the true end of legislature.

It is so with regard to the exercise of all the powers, which our constitution knows in any of its parts, and indeed to the substantial existence of any of the parts themselves. The king's negative to bills is one of the most indisputed of the royal prerogatives: and it extends to all cases whatsoever. I am far from certain, that if several laws, which I know, had fallen under the stroke of that sceptre, that the public would have had a very heavy loss. But it is not the *propriety* of the exercise which is in question. The exercise itself is wisely forborne. Its repose may be the preservation of its existence; and its existence may be the means of saving the constitution itself on an occasion worthy of bringing it forth. As the disputants, whose accurate and logical reasonings have brought us into our present condition, think it absurd, that powers or members of any constitution should exist, rarely or ever to be exercised, I hope I shall be excused in mentioning another instance, that is material. We know, that the convocation of the clergy had formerly been called, and sat with nearly as much regularity to business as parliament itself. It is now called for form only. It sits for the purpose of making some polite ecclesiastical compliments to the king: and when that grace is said, retires and is heard of no more. It is however *a part of the constitution*, and may be called out into act and energy, whenever there is occasion; and whenever those,

who conjure up that spirit, will choose to abide the consequences. It is wise to permit its legal existence; it is much wiser to continue it a legal existence only. So truly has prudence, (constituted as the god of this lower world) the entire dominion over every exercise of power, committed into its hands; and yet I have lived to see prudence and conformity to circumstances, wholly set at naught in our late controversies, and treated as if they were the most contemptible and irrational of all things. I have heard it a hundred times very gravely alleged, that in order to keep power in wind, it was necessary, by preference, to exert it in those very points in which it was most likely to be resisted, and the least likely to be productive of any advantage.

These were the considerations, gentlemen, which led me early to think, that, in the comprehensive dominion which the Divine Providence had put into our hands, instead of troubling our understandings with speculations concerning the unity of empire, and the identity or distinction of legislative powers, and inflaming our passions with the heat and pride of controversy, it was our duty, in all soberness, to conform our government to the character and circumstances of the several people who compose this mighty and strangely diversified mass. I never was wild enough to conceive, that one method would serve for the whole; that the natives of Hindostan and those of Virginia could be ordered in the same manner; or that the Cutchery court and the grand jury of Salem could be regulated on a similar plan. I was persuaded that government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity, to gratify the schemes of visionary politicians. Our business was to rule, not to wrangle; and it would have been a poor compensation that we had triumphed in a dispute, whilst we lost an empire.

If there be one fact in the world perfectly clear, it is this; "That the disposition of the people of America is wholly averse to any other than a free government;" and this is indication enough to any honest statesman, how he ought to adapt

whatever power he finds in his hands to their ease. If any ask me what a free government is, I answer that, for any practical purpose, it is what the people think so: and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust and not to endeavor to prove from thence, that they have reasoned amiss, and that having gone so far, by analogy, they must hereafter have no enjoyment but by my pleasure.

If we had seen this done by any others, we should have concluded them far gone in madness. It is melancholy as well as ridiculous, to observe the kind of reasoning with which the public has been amused, in order to divert our minds from the common sense of our American policy. There are people, who have split and anatomized the doctrine of free government, as if it were an abstract question concerning metaphysical liberty and necessity; and not a matter of moral prudence and natural feeling. They have disputed, whether liberty be a positive or a negative idea; whether it does not consist in being governed by laws: without considering what are the laws, or who are the makers; whether man has any rights by nature: and whether all the property he enjoys, be not the alms of his government, and his life itself their favor and indulgence. Others corrupting religion, as these have perverted philosophy, contend, that Christians are redeemed into captivity: and the blood of the Saviour of mankind has been shed to make them the slaves of a few proud and insolent sinners. These shocking extremes, provoking to extremes of another kind, speculations are let loose as destructive to all authority, as the former are to all freedom; and every government is called tyranny and usurpation which is not formed on their fancies. In this manner the stirrers-up of this contention, not satisfied with distracting our dependencies and filling them with blood and slaughter, are corrupting our understandings: they are endeavoring to tear up, along with practical liberty, all the foundations of human society, all equity and justice, religion and order.

Civil freedom, gentlemen, is not, as many have endeavored to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, not an abstract speculation; and all the just reasoning that can be upon it, is of so coarse a texture, as perfectly to suit the ordinary capacities of those who are to enjoy, and of those who are to defend it. Far from any resemblance to those propositions in geometry and metaphysics, which admit no medium, but must be true or false in all their latitude; social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, and shaped into an infinite diversity of forms, according to the temper and circumstances of every community. The *extreme* of liberty (which is its abstract perfection, but its real fault) obtains no where, nor ought to obtain any where. Because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment. Liberty too must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public counsel, to find out by cautious experiments, and rational, cool endeavors, with how little, not how much of this restraint, the community can subsist. For liberty is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigor as there is liberty in it. But whether liberty be advantageous or not, (for I know it is a fashion to decry the very principle) none will dispute that peace is a blessing; and peace must in the course of human affairs be frequently bought by some indulgence and toleration at least to liberty. For as the sabbath (though of divine institution) was made for man, not man for the sabbath, government, which can claim no higher origin or authority, in its exercise at least, ought to conform to the exigences of the time, and the temper and character of the people, with whom it is concerned; and not always to attempt violently to bend the people to their theories

of subjection. The bulk of mankind on their part are not excessively curious concerning any theories, whilst they are really happy; and one sure symptom of an ill-conducted state, is the propensity of the people to resort to them.

But when subjects, by a long course of such ill conduct, are once thoroughly inflamed, and the state itself violently distempered, the people must have some satisfaction to their feelings more solid than a sophistical speculation on law and government. Such was our situation; and such a satisfaction was necessary to prevent recourse to arms; it was necessary towards laying them down; it will be necessary to prevent the taking them up again and again. Of what nature this satisfaction ought to be, I wish it had been the disposition of parliament seriously to consider. It was certainly a deliberation that called for the exertion of all their wisdom.

I am, and ever have been deeply sensible, of the difficulty of reconciling the strong presiding power, that is so useful towards the conversation of a vast, disconnected, infinitely diversified empire, with that liberty and safety of the provinces, which they must enjoy, (in opinion and practice at least) or they will not be provinces at all. I know, and have long felt the difficulty of reconciling the unwieldy haughtiness of a great ruling nation, habituated to command, pampered by enormous wealth, and confident from a long course of prosperity and victory, to the high spirit of free dependencies, animated with the first glow and activity of juvenile heat, and assuming to themselves as their birthright, some part of that very pride which oppresses them. They who perceive no difficulty in reconciling these tempers, (which however, to make peace, must some way or other be reconciled,) are much above my capacity, or much below the magnitude of the business. Of one thing I am perfectly clear, that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept. They who would put an end to such quarrels, by declaring roundly in favor of the whole demands of either party, have mistaken, in my humble opinion, the office of a mediator.

The war is now of full two years standing; the controversy of many more. In different periods of the dispute, different methods of reconciliation were to be pursued. I mean to trouble you with a short state of things at the most important of these periods, in order to give you a more distinct idea of our policy with regard to this most delicate of all objects. The colonies were from the beginning subject to the legislature of Great Britain, on principles which they never examined; and we permitted to them many local privileges, without asking how they agreed with that legislative authority. Modes of administration were formed in an insensible and very unsystematic manner. But they gradually adapted themselves to the varying condition of things. What was first a single kingdom stretched into an empire; and an imperial superintendency of some kind or other became necessary. Parliament, from a mere representative of the people, and a guardian of popular privileges for its own immediate constituents, grew into a mighty sovereignty. Instead of being a control on the crown on its own behalf, it communicated a sort of strength to the royal authority; which was wanted for the conservation of a new object, but which could not be safely trusted to the crown alone. On the other hand, the colonies advancing by equal steps, and governed by the same necessity, had formed within themselves, either by royal instruction, or royal charter, assemblies so exceedingly resembling a parliament, in all their forms, functions, and powers, that it was impossible they should not imbibe some opinion of a similar authority.

At the first designation of these assemblies, they were probably not intended for any thing more (nor perhaps did they think themselves much higher) than the municipal corporations within this Island, to which some at present love to compare them. But nothing in progression can rest on its original plan. We may as well think of rocking a grown man in the cradle of an infant. Therefore, as the colonies prospered and increased to a numerous and mighty people, spreading over a very great tract of the globe; it was natural that

they should attribute to assemblies so respectable in their formal constitution, some part of the dignity of the great nations which they represented. No longer tied to by-laws, these assemblies made acts of all sorts and in all cases whatsoever. They levied money, not for parochial purposes, but upon regular grants to the crown, following all the rules and principles of a parliament, to which they approached every day more and more nearly. Those who think themselves wiser than Providence and stronger than the course of nature, may complain of all this variation, on the one side or the other, as their several humors and prejudices may lead them. But things could not be otherwise; and English colonies must be had on these terms, or not at all. In the mean time neither party felt any inconvenience from this double legislature, to which they had been formed by imperceptible habits, and old custom, the great support of all the governments in the world. Though these two legislatures were sometimes found perhaps performing the very same functions, they did not very grossly or systematically clash. In all likelihood this arose from mere neglect; possibly from the natural operation of things, which, left to themselves, generally fall into their proper order. But whatever was the cause, it is certain that a regular revenue by the authority of parliament, for the support of civil and military establishments, seems not to have been thought of until the colonies were too proud to submit, too strong to be forced, too enlightened not to see all the consequences which must arise from such a system.

If ever this scheme of taxation was to be pushed against the inclinations of the people, it was evident that discussions must arise, which would let loose all the elements that composed this double constitution; would shew how much each of their members had departed from its original principles; and would discover contradictions in each legislature, as well to its own first principles, as to its relation to the other, very difficult if not absolutely impossible to be reconciled.

Therefore, at the first fatal opening of this contest, the wisest course seemed to be to put an end as soon as possible to

the immediate causes of the dispute; and to quiet a discussion, not easily settled upon clear principles, and arising from claims which pride would permit neither party to abandon, by resorting as nearly as possible to the old successful course. A mere repeal of the obnoxious tax, with a declaration of the legislative authority of this kingdom, was then fully sufficient to procure peace to *both sides*. Man is a creature of habit, and the first breach being of very short continuance, the colonies fell back exactly into their ancient state. The congress has used an expression with regard to this pacification, which appears to me truly significant. After the repeal of the stamp act, "the colonies fell," says this assembly, "into their ancient state of *unsuspecting confidence in the mother country*." This unsuspecting confidence is the true centre of gravity amongst mankind, about which all the parts are at rest. It is this *unsuspecting confidence*, that removes all difficulties, and reconciles all the contradictions which occur in the complexity of all ancient puzzled political establishments. Happy are the rulers which have the secret of preserving it!

The whole empire had reason to remember with eternal gratitude, the wisdom and temper of that man and his excellent associates, who, to recover this confidence, formed a plan of pacification in 1766. That plan, being built upon the nature of man, and the circumstances and habits of the two countries, and not on any visionary speculations, perfectly answered its end, as long as it was thought proper to adhere to it. Without giving a rude shock to the dignity (well or ill understood) of this parliament, they gave perfect content to our dependencies. Had it not been for the mediatorial spirit and talents of that great man, between such clashing pretensions and passions, we should then have rushed headlong (I know what I say) into the calamities of that civil war, in which, by departing from his system, we are at length involved; and we should have been precipitated into that war, at a time, when circumstances both at home and abroad were far, very far, more unfavorable unto us than they were at the breaking out of the present troubles.

I had the happiness of giving my first votes in parliament for that pacification. I was one of those almost unanimous members, who, in the necessary concessions of parliament, would as much as possible have preserved its authority, and respected its honor. I could not at once tear from my heart prejudices which were dear to me, and which bore a resemblance to virtue. I had then, and I have still my partialities. What parliament gave up, I wished to be given as of grace, and favor, and affection, and not as a restitution of stolen goods. High dignity relented as it was soothed; and a benignity from old acknowledged greatness had its full effect on our dependencies. Our unlimited declaration of legislative authority produced not a single murmur. If this undefined power has become odious since that time, and full of horror to the colonies, it is because the *unsuspicious confidence* is lost, and the parental affection, in the bosom of whose boundless authority they reposed their privileges, is become estranged and hostile.

It will be asked, if such was then my opinion of the mode of pacification, how I came to be the very person who moved, not only for a repeal of all the late coercive statutes, but for mutilating by a positive law, the entireness of the legislative power of parliament, and cutting off from it the whole right of taxation? I answer, because a different state of things requires a different conduct. When the dispute had gone to these last extremities (which no man labored more to prevent than I did) the concessions which had satisfied in the beginning, could satisfy no longer; because the violation of tacit faith required explicit security. The same cause which has introduced all formal compacts and covenants among men made it necessary. I mean habits of soreness, jealousy, and distrust. I parted with it, as with a limb; but as a limb to save the body; and I would have parted with more, if more had been necessary; any thing rather than a fruitless, hopeless, unnatural civil war. This mode of yielding, would, it is said, give way to independency without a war. I am persuaded from the nature of things, and from every informa-

tion, that it would have had a directly contrary effect. But if it had this effect, I confess that I should prefer independency without war, to independency with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in any thing else, that I should expect ten times more benefit to this kingdom from the affection of America, though under a separate establishment, than from her perfect submission to the crown and parliament, accompanied with her terror, disgust, and abhorrence. Bodies tied together by so unnatural a bond of union as mutual hatred, are only connected to their ruin.

One hundred and ten respectable members of parliament voted for that concession. Many not present, when the motion was made, were of the sentiments of those who voted. I knew it would then have made peace. I am not without hopes that it would do so at present if it were adopted. No benefit, no revenue could be lost by it; something might possibly be gained by its consequences. For, be fully assured, that, of all the phantoms that ever deluded the fond hopes of a credulous world, a parliamentary revenue in the colonies is the most perfectly chimerical. Your breaking them to any subjection, far from relieving your burthens, (the pretext for this war) will never pay that military force which will be kept up to the destruction of their liberties and yours. I risk nothing in this prophecy.

Gentlemen, you have my opinion on the present state of public affairs. Mean as they may be in themselves, your partiality has made them of some importance. Without troubling myself to inquire whether I am under a formal obligation to it, I have a pleasure in accounting for my conduct to my constituents. I feel warmly on this subject, and I express myself as I feel. If I presume to blame any public proceeding, I cannot be supposed to be personal. Would to God I could be suspected of it. My fault might be greater, but the public calamity would be less extensive. If my conduct has not been able to make any impression on the warm part of that ancient and powerful party, with whose

support I was not honored at my election; on my side, my respect, regard, and duty to them is not at all lessened. I owe the gentlemen who compose it my most humble service in every thing. I hope that whenever any of them were pleased to command me, that they found me perfectly equal in my obedience. But flattery and friendship are very different things; and to mislead is not to serve them. I cannot purchase the favor of any man by concealing from him what I think his ruin. By the favor of my fellow-citizens, I am the representative of an honest, well-ordered, virtuous city; of a people, who preserve more of the original English simplicity, and purity of manners, than perhaps any other. You possess among you several men and magistrates of large and cultivated understandings; fit for any employment in any sphere. I do, to the best of my power, act so as to make myself worthy of so honorable a choice. If I were ready, on any call of my own vanity or interest, or to answer any election purpose, to forsake principles, (whatever they are) which I had formed at a mature age, on full reflection, and which had been confirmed by long experience, I should forfeit the only thing which makes you pardon so many errors and imperfections in me. Not that I think it fit for any one to rely too much on his own understanding; or to be filled with a presumption, not becoming a christian man, in his own personal stability and rectitude.

I hope I am far from that vain confidence, which almost always fails in trial. I know my weakness in all respects, as much at least as any enemy I have; and I attempt to take security against it. The only method which has ever been found effectual to preserve any man against the corruption of nature and example, is an habit of life and communication of counsels with the most virtuous and public-spirited men of the age you live in. Such a society cannot be kept without advantage or deserted without shame. For this rule of conduct I may be called in reproach a *party man;* but I am little affected with such aspersions. In the way which they call party, I worship the constitution of your fathers; and I shall

never blush for my political company. All reverence to honor, all idea of what it is, will be lost out of the world, before it can be imputed as a fault to any man, that he has been closely connected with those incomparable persons, living and dead, with whom for eleven years I have constantly thought and acted. If I have wandered out of the paths of rectitude, into those of interested faction, it was in company with the Saviles, the Dowdeswells, the Wentworths, the Bentincks; with the Lenoxes, the Manchesters, the Keppels, the Saunders; with the temperate, permanent, hereditary virtue of the whole house of Cavendish; names, among which, some have extended your fame and empire in arms, and all have fought the battle of your liberties in fields not less glorious. These, and many more like these, grafting public principles on private honor, have redeemed the present age, and would have adorned the most splendid period in your history. Where could any man, conscious of his own inability to act alone, and willing to act as he ought to do, have arranged himself better? If any one thinks this kind of society to be taken up as the best method of gratifying low personal pride, or ambitious interest, he is mistaken; and knows nothing of the world.

Preferring this connection; I do not mean to detract in the slightest degree from others. There are some of those, whom I admire at something of a greater distance, with whom I have had the happiness also perfectly to agree, in almost all the particulars, in which I have differed with some successive administrations; and they are such, as it never can be reputable to any government to reckon among its enemies. I hope there are none of you, corrupted with the doctrine taught by wicked men for the worst purposes, and received by the malignant credulity of envy and ignorance, which is, that the men who act upon the public stage are all alike; all equally corrupt; all influenced by no other views than the sordid lure of salary and pension. The thing, I know by experience, to be false. Never expecting to find perfection in men, and not looking for divine attributes in created beings, in my commerce with my cotem-

poraries, I have found much human virtue. I have seen not a little public spirit; a real subordination of interest to duty; and a decent and regulated sensibility to honest fame and reputation. The age unquestionably produces (whether in a greater or less number than former times, I know not,) daring profligates and insidious hypocrites. What then? Am I not to avail myself of whatever good is to be found in the world, because of the mixture of evil that will always be in it? The smallness of the quantity in currency only heightens the value. They, who raise suspicions on the good on account of the behavior of ill men, are of the party of the latter. The common cant is no justification for taking this party. I have been deceived, say they, by *Titius* and *Mævius*; I have been the dupe of this pretender or of that mountebank; and I can trust appearances no longer. But my credulity and want of discernment cannot, as I conceive, amount to a fair presumption against any man's integrity. A conscientious person would rather doubt his own judgment, than condemn his species. He would say, I have observed without attention, or judged upon erroneous maxims; I trusted to profession, when I ought to have attended to conduct. Such a man will grow wise, not malignant, by his acquaintance with the world. But he that accuses all mankind of corruption ought to remember that he is sure to convict only one. In truth I should much rather admit those whom at any time I have disrelished the most, to be patterns of perfection, than seek a consolation to my own unworthiness, in a general communion of depravity with all about me.

That this ill-natured doctrine should be preached by the missionaries of a court I do not wonder. It answers their purpose. But that it should be heard among those who pretend to be strong asserters of liberty, is not only surprising, but hardly natural. This moral leveling is a *servile principle*. It leads to practical passive obedience far better, than all the doctrines, which the pliant accommodation of theology to power has ever produced. It cuts up by the roots, not only all idea of forcible resistance, but even of civil opposition.

It disposes men to an abject submission, not by opinion, which may be shaken by argument or altered by passion, but by the strong ties of public and private interest. For if all men who act in a public situation are equally selfish, corrupt, and venal, what reason can be given for desiring any sort of change, which, besides the evils which must attend all changes, can be productive of no possible advantage? The active men in the state are true samples of the mass. If they are universally depraved, the commonwealth itself is not sound. We may amuse ourselves with talking as much as we please of the virtue of middle or humble life; that is, we may place our confidence in the virtue of those who have never been tried. But if the persons who are continually emerging out of that sphere, be no better than those whom birth has placed above it, what hopes are there in the remainder of the body, which is to furnish the perpetual succession of the state? All who have ever written on government, are unanimous, that among a people generally corrupt, liberty cannot long exist. And indeed how is it possible, when those who are to make the laws, to guard, to enforce, or to obey them, are by a tacit confederacy of manners, indisposed to the spirit of all generous and noble institutions?

I am aware that the age is not what we all wish. But I am sure, that the only means of checking its precipitate degeneracy, is heartily to concur with whatever is the best in our time; and to have some more correct standard of judging what that best is, than the transient and uncertain favor of a court. If once we are able to find, and can prevail on ourselves to strengthen an union of such men, whatever accidentally becomes indisposed to ill-exercised power, even by the ordinary operation of human passions, must join with that society, and cannot long be joined, without in some degree assimilating to it. Virtue will catch as well as vice by contact; and the public stock of honest manly principle will daily accumulate. We are not too nicely to scrutinize motives as long as action is irreproachable. It is enough (and

for a worthy man perhaps too much) to deal out its infamy to convicted guilt and declared apostacy.

This, gentlemen, has been from the beginning the rule of my conduct; and I mean to continue it, as long as such a body as I have described, can by any possibility be kept together; for I should think it the most dreadful of all offences, not only towards the present generation, but to all the future, if I were to do any thing which could make the minutest breach in this great conservatory of free principles. Those who perhaps have the same intentions, but are separated by some little political animosities, will I hope discern at last, how little conducive it is to any rational purpose, to lower its reputation. For my part, gentlemen, from much experience, from no little thinking, and from comparing a great variety of things, I am thoroughly persuaded, that the last hopes of preserving the spirit of the English constitution, or of re-uniting the dissipated members of the English race upon a common plan of tranquillity and liberty, does entirely depend on their firm and lasting union; and above all on their keeping themselves from that despair, which is so very apt to fall on those, whom a violence of character and a mixture of ambitious views, do not support through a long, painful, and unsuccessful struggle.

There never, gentlemen, was a period in which the steadfastness of some men has been put to so sore a trial. It is not very difficult for well-formed minds to abandon their interest; but the separation of fame and virtue is an harsh divorce. Liberty is in danger of being made unpopular to Englishmen. Contending for an imaginary power, we begin to acquire the spirit of domination, and to lose the relish of honest equality. The principles of our forefathers become suspected to us, because we see them animating the present opposition of our children. The faults which grow out of the luxuriance of freedom, appear much more shocking to us, than the base vices which are generated from the rankness of servitude. Accordingly, the least resistance to power appears

more inexcusable in our eyes than the greatest abuses of authority. All dread of a standing military force is looked upon as a superstitious panic. All shame of calling in foreigners and savages in a civil contest is worn off. We grow indifferent to the consequences inevitable to ourselves from the plan of ruling half the empire by a mercenary sword. We are taught to believe that a desire of domineering over our countrymen is love to our country; that those who hate civil war abet rebellion, and that the amiable and conciliatory virtues of lenity, moderation, and tenderness to the privileges of those who depend on this kingdom, are a sort of treason to the state.

It is impossible that we should remain long in a situation, which breeds such notions and dispositions, without some great alteration in the national character. Those ingenuous and feeling minds who are so fortified against all other things, and so unarmed to whatever approaches in the shape of disgrace, finding these principles, which they considered as sure means of honor, to be grown into disrepute, will retire disheartened and disgusted. Those of a more robust make, the bold, able, ambitious men, who pay some of their court to power through the people, and substitute the voice of transient opinion in the place of true glory, will give into the general mode; and those superior understandings which ought to correct vulgar prejudice, will conform and aggravate its errors. Many things have been long operating towards a gradual change in our principles. But this American war has done more in a very few years than all the other causes could have effected in a century. It is therefore not on its own separate account, but because of its attendant circumstances, that I consider its continuance, or its ending in any way but that of an honorable and liberal accommodation, as the greatest evils which can befall us. For that reason I have troubled you with this long letter. For that reason I entreat you again and again, neither to be persuaded, shamed, or frighted out of the principles that have hitherto led so many of you to abhor the war, its cause, and its consequences.

Let us not be amongst the first who renounce the maxims of our forefathers.

I have the honor to be, gentlemen,
your most obedient, and faithful humble servant,

EDMUND BURKE.

Beaconsfield, April 3, 1777.

P. S. You may communicate this letter in any manner you think proper to my constituents.

TWO LETTERS

TO

GENTLEMEN IN THE CITY OF BRISTOL,

ON THE

BILLS DEPENDING IN PARLIAMENT

RELATIVE TO THE

TRADE OF IRELAND.

1778.

TO SAMUEL SPANN, Esqr.

MASTER OF THE SOCIETY OF MERCHANTS ADVENTURERS OF BRISTOL.

Sir,

I am honored with your letter of the 13th, in answer to mine, which accompanied the resolutions of the house relative to the trade of Ireland.

You will be so good as to present my best respects to the society, and to assure them, that it was altogether unnecessary to remind me of the interest of the constituents. I have never regarded any thing else, since I had a seat in parliament. Having frequently and maturely considered that interest, and stated it to myself in almost every point of view, I am persuaded, that, under the present circumstances, I cannot more effectually pursue it, than by giving all the support in my power to the propositions which I lately transmitted to the hall.

The fault I find in the scheme is,—that it falls extremely short of that liberality in the commercial system, which, I trust, will one day be adopted. If I had not considered the present resolutions, merely as preparatory to better things, and as a means of shewing experimentally, that justice to others is not always folly to ourselves, I should have contented myself with receiving them in a cold and silent acquiescence. Separately considered, they are matters of no very great importance. But they aim, however imperfectly, at a right principle. I submit to the restraint to appease prejudice: I accept the enlargement, so far as it goes, as the result of reason and of sound policy.

We cannot be insensible of the calamities which have been brought upon this nation by an obstinate adherence to narrow and restrictive plans of government. I confess, I cannot prevail on myself to take them up, precisely at a time, when the most decisive experience has taught the rest of the world to lay them down. The propositions in question did not originate from me, or from my particular friends. But when things are so right in themselves, I hold it my duty, not to inquire from what hands they come. I opposed the American measures upon the very same principle on which I support those that relate to Ireland. I was convinced, that the evils which have arisen from the adoption of the former, would be infinitely aggravated by the rejection of the latter.

Perhaps gentlemen are not yet fully aware of the situation of their country, and what its exigences absolutely require. I find that we are still disposed to talk at our ease, and as if all things were to be regulated by our good pleasure. I should consider it as a fatal symptom, if, in our present distressed and adverse circumstances, we should persist in the errors which are natural only to prosperity. One cannot indeed sufficiently lament the continuance of that spirit of delusion, by which, for a long time past, we have thought fit to measure our necessities by our inclinations. Moderation, prudence, and equity, are far more suitable to our condition, than loftiness, and confidence, and rigor. We are threatened by enemies of no small magnitude, whom, if we think fit, we may despise, as we have despised others; but they are enemies who can only cease to be truly formidable, by our entertaining a due respect for their power. Our danger will not be lessened by our shutting our eyes to it; nor will our force abroad be increased by rendering ourselves feeble, and divided at home.

There is a dreadful schism in the British nation. Since we are not able to re-unite the empire, it is our business to give all possible vigor and soundness to those parts of it which are still content to be governed by our counsels. Sir, it is proper to inform you, that our measures *must be healing*.

Such a degree of strength must be communicated to all the members of the state, as may enable them to defend themselves, and to coöperate in the defence of the whole. Their temper too must be managed, and their good affections cultivated. They may then be disposed to bear the load with cheerfulness, as a contribution towards what may be called with truth and propriety, and not by an empty form of words, *a common cause.* Too little dependence cannot be had, at this time of day, on names and prejudices. The eyes of mankind are opened; and communities must be held together by an evident and solid interest. God forbid, that our conduct should demonstrate to the world, that Great Britain can, in no instance whatsoever, be brought to a sense of rational and equitable policy, but by coercion and force of arms!

I wish you to recollect, with what powers of concession, relatively to commerce, as well as to legislation, his majesty's commissioners to the united colonies have sailed from England within this week. Whether these powers are sufficiént for their purposes, it is not now my business to examine. But we all know, that our resolutions in favor of Ireland are trifling and insignificant, when compared with the concessions to the Americans. At such a juncture, I would implore every man, who retains the least spark of regard to the yet remaining honor and security of this country, not to compel others to an imitation of their conduct; or by passion and violence, to force them to seek, in the territories of the separation, that freedom, and those advantages, which they are not to look for whilst they remain under the wings of their ancient government.

After all, what are the matters we dispute with so much warmth? Do we in these resolutions *bestow* any thing upon Ireland? Not a shilling. We only consent to *leave* to them, in two or three instances, the use of the natural faculties which God has given to them, and to all mankind. Is Ireland united to the crown of Great Britain for no other purpose, than that we should counteract the bounty of Providence in her favor? And in proportion as that bounty has been lib-

eral, that we are to regard it as an evil, which is to be met with in every sort of corrective? To say that Ireland interferes with us, and therefore must be checked, is, in my opinion, a very mistaken, and a very dangerous principle. I must beg leave to repeat, what I took the liberty of suggesting to you in my last letter, that Ireland is a country, in the same climate, and of the same natural qualities and productions with this; and has consequently no other means of growing wealthy in herself, or, in other words, of being useful to us, but by doing the very same things which we do, for the same purposes. I hope that in Great Britain we shall always pursue, without exception, *every* means of prosperity; and of course, that Ireland *will* interfere with us in something or other; for either, in order to *limit* her, we *must restrain* ourselves, or we must fall into that shocking conclusion, that we are to keep our yet remaining dependency, under a general and indiscriminate restraint, for the mere purpose of oppression. Indeed, sir, England and Ireland may flourish together. The world is large enough for us both. Let it be our care not to make ourselves too little for it.

I know it is said, that the people of Ireland do not pay the same taxes, and therefore ought not in equity to enjoy the same benefits with this. I had hopes, that the unhappy phantom of a compulsory *equal taxation* had haunted us long enough. I do assure you, that until it is entirely banished from our imaginations (where alone it has, or can have any existence,) we shall never cease to do ourselves the most substantial injuries. To that argument of equal taxation, I can only say,—that Ireland pays as many taxes as those who are the best judges of her powers, are of opinion she can bear. To bear more, she must have more ability; and in the order of nature, the advantage must *precede* the charge. This disposition of things, being the law of God, neither you nor I *can* alter it. So that if you will have more help from Ireland, you must *previously* supply her with more means. I believe it will be found, that if men are suffered freely to cultivate their natural advantages, a virtual equality of contribution

will come in its own time, and will flow by an easy descent through its own proper and natural channels. An attempt to disturb that course, and to force nature, will only bring on universal discontent, distress and confusion.

You tell me, sir, that you prefer an union with Ireland to the little regulations which are proposed in parliament. This union is a great question of state, to which, when it comes properly before me in my parliamentary capacity, I shall give an honest and unprejudiced consideration. However, it is a settled rule with me, to make the most of my *actual situation;* and not to refuse to do a proper thing, because there is something else more proper, which I am not able to do. This union is a business of difficulty; and on the principles of your letter, a business impracticable. Until it can be matured into a feasible and desirable scheme, I wish to have as close an union of interest and affection with Ireland, as I can have; and that, I am sure, is a far better thing than any nominal union of government.

France, and indeed most extensive empires, which by various designs and fortunes have grown into one great mass, contain many provinces that are very different from each other in privileges and modes of government; and they raise their supplies in different ways; in different proportions; and under different authorities; yet none of them are for this reason curtailed of their natural rights; but they carry on trade and manufactures with perfect equality. In some way or other the true balance is found; and all of them are properly poised and harmonized. How much have you lost by the participation of Scotland in all your commerce? The external trade of England has more than doubled since that period; and I believe your internal (which is the most advantageous) has been augmented at least fourfold. Such virtue there is in liberality of sentiment, that you have grown richer even by the partnership of poverty.

If you think, that this participation was a loss, commercially considered, but that it has been compensated by the share which Scotland has taken in defraying the public

charge—I believe you have not very carefully looked at the public accounts. Ireland, sir, pays a great deal more than Scotland; and is perhaps as much, and as effectually united to England as Scotland is. But if Scotland, instead of paying little, had paid nothing at all, we should be gainers, not losers by acquiring the hearty coöperation of an active intelligent people, towards the increase of the common stock; instead of our being employed in watching and counteracting them, and their being employed in watching and counteracting us, with the peevish and churlish jealousy of rivals and enemies on both sides.

I am sure, sir, that the commercial experience of the merchants of Bristol, will soon disabuse them of the prejudice, that they can trade no longer, if countries more lightly taxed are permitted to deal in the same commodities at the same markets. You know, that in fact, you trade very largely where you are met by the goods of all nations. You even pay high duties, on the import of your goods, and afterwards undersell nations less taxed, at their own markets, and where goods of the same kind are not charged at all. If it were otherwise, you could trade very little. You know, that the price of all sorts of manufacture is not a great deal enhanced (except to the domestic consumer) by any taxes paid in this country. This I might very easily prove.

The same consideration will relieve you from the apprehension you express, with relation to sugars, and the difference of the duties paid here and in Ireland. Those duties affect the interior consumer only; and for obvious reasons, relative to the interest of revenue itself, they must be proportioned to his ability of payment; but in all cases in which sugar can be an *object of commerce*, and therefore (in this view) of rivalship, you are sensible, that you are at least on a par with Ireland. As to your apprehensions concerning the more advantageous situation of Ireland, for some branches of commerce, (for it is so but for some) I trust you will not find them more serious. Milford Haven, which is at your door, may serve to shew you, that the mere advantage of ports is

not the thing which shifts the seat of commerce from one part of the world to the other. If I thought you inclined to take up this matter on local considerations, I should state to you, that I do not know any part of the kingdom so well situated for an advantageous commerce with Ireland as Bristol; and that none would be so likely to profit of its prosperity as our city. But your profit and theirs must concur. Beggary and bankruptcy are not the circumstances which invite to an intercourse with that or with any country; and I believe it will be found invariably true, that the superfluities of a rich nation furnish a better object of trade than the necessities of a poor one. It is the interest of the commercial world that wealth should be found every where.

The true ground of fear, in my opinion, is this: that Ireland, from the vicious system of its internal polity, will be a long time before it can derive any benefit from the liberty now granted, or from any thing else. But as I do not vote advantages, in hopes that they may not be enjoyed, I will not lay any stress upon this consideration. I rather wish, that the parliament of Ireland may, in its own wisdom, remove these impediments, and put their country in a condition to avail itself of its natural advantages. If they do not, the fault is with them, and not with us.

I have written this long letter, in order to give all possible satisfaction to my constituents with regard to the part I have taken in this affair. It gave me inexpressible concern to find, that my conduct had been a cause of uneasiness to any of them. Next to my honor and conscience I have nothing so near and dear to me as their approbation. However, I had much rather run the risk of displeasing than of injuring them; if I am driven to make such an option. You obligingly lament, that you are not to have me for your advocate; but if I had been capable of acting as an advocate in opposition to a plan so perfectly consonant to my known principles, and to the opinions I had publicly declared on an hundred occasions, I should only disgrace myself, without supporting with the smallest degree of credit or effect, the cause you wished me to

undertake. I should have lost the only thing which can make such abilities as mine of any use to the world now or hereafter; I mean that authority which is derived from an opinion, that a member speaks the language of truth and sincerity; and that he is not ready to take up or lay down a great political system for the convenience of the hour; that he is in parliament to support his opinion of the public good, and does not form his opinion in order to get into parliament, or to continue in it. It is in a great measure for your sake, that I wish to preserve this character. Without it, I am sure, I should be ill able to discharge, by any service, the smallest part of that debt of gratitude and affection which I owe you for the great and honorable trust you have reposed in me.

I am, with the highest regard and esteem,

Sir, your most obedient,

and humble servant,

E. B.

Beaconsfield, 23d April, 1778.

COPY OF A LETTER

TO MESS. ******* ****** AND CO. BRISTOL.

GENTLEMEN,

IT gives me the most sensible concern to find, that my vote on the resolutions relative to the trade of Ireland, has not been fortunate enough to meet with your approbation. I have explained at large the grounds of my conduct on that occasion in my letters to Merchants Hall: but my very sincere regard and esteem for you will not permit me to let the matter pass without an explanation, which is particular to yourselves, and which, I hope, will prove satisfactory to you.

You tell me, that the conduct of your late member is not much wondered at; but you seem to be at a loss to account for mine; and you lament, that I have taken so decided a part *against* my constituents.

This is rather an heavy imputation. Does it then really appear to you, that the propositions to which you refer, are, on the face of them, so manifestly wrong, and so certainly injurious to the trade and manufactures of Great Britain, and particularly to yours, that no man could think of proposing, or supporting them, except from resentment to you, or from some other oblique motive? If you suppose your late members, or if you suppose me, to act upon other reasons than we choose to avow, to what do you attribute the conduct of the *other* members, who in the beginning almost unanimously adopted those resolutions? To what do you attribute the strong part taken by the ministers, and along with the ministers, by several of their most declared opponents? This does not indicate a ministerial job; a party design; or a provincial or local purpose. It is therefore not so absolutely clear, that

the measure is wrong, or likely to be injurious to the true interests of any place, or any person.

The reason, gentlemen, for taking this step, at this time, is but too obvious and urgent. I cannot imagine, that you forget the great war, which has been carried on with so little success (and, as I thought, with so little policy,) in America; or that you are not aware of the other great wars which are impending. Ireland has been called upon to repel the attacks of enemies of no small power, brought upon her by councils in which she has had no share. The very purpose and declared object of that original war, which has brought other wars, and other enemies on Ireland, was not very flattering to her dignity, her interest, or to the very principle of her liberty. Yet she submitted patiently to the evils she suffered from an attempt to subdue to *your* obedience, countries whose very commerce was not open to her. America was to be conquered, in order that Ireland should *not* trade thither; whilst the miserable trade which she is permitted to carry on to other places has been torn to pieces in the struggle. In this situation, are we neither to suffer her to have any real interest in our quarrel, or to be flattered with the hope of any future means of bearing the burdens which she is to incur in defending herself against enemies which we have brought upon her?

I cannot set my face against such arguments. Is it quite fair to suppose, that I have no other motive for yielding to them, but a desire of acting *against* my constituents? It is for *you*, and for *your* interest, as a dear, cherished, and respected part of a valuable whole, that I have taken my share in this question. You do not, you cannot suffer by it. If honesty be true policy with regard to the transient interest of individuals, it is much more certainly so with regard to the permanent interests of communities. I know, that it is but too natural for us to see our own *certain* ruin, in the *possible* prosperity of other people. It is hard to persuade us, that every thing which is *got* by another is not *taken* from ourselves. But it is fit that we should get the better of these suggestions, which come from what is not the best and sound-

est part of our nature, and that we should form to ourselves a way of thinking, more rational, more just, and more religious. Trade is not a limited thing; as if the objects of mutual demand and consumption, could not stretch beyond the bounds of our jealousies. God has given the earth to the children of men, and he has undoubtedly, in giving it to them, given them what is abundantly sufficient for all their exigences; not a scanty but a most liberal provision for them all. The author of our nature has written it strongly in that nature, and has promulgated the same law in his written word, that man shall eat his bread by his labor; and I am persuaded, that no man and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say, that he *shall not* do so; that they have no sort of right, either to prevent the labor, or to withhold the bread. Ireland having received no *compensation* directly or indirectly, for any restraints on their trade, ought not in justice or common honesty, to be made subject to such restraints. I do not mean to impeach the right of the parliament of Great Britain to make laws for the trade of Ireland. I only speak of what laws it is right for parliament to make.

It is nothing to an oppressed people, to say that in part they are protected at our charge. The military force which shall be kept up in order to cramp the natural faculties of a people, and to prevent their arrival to their utmost prosperity, is the instrument of their servitude, not the means of their protection. To protect men, is to forward, and not to restrain their improvement. Else, what is it more, than to avow to them, and to the world, that you guard them from others, only to make them a prey to yourself? This fundamental nature of protection does not belong to free, but to all governments; and is as valid in Turkey as in Great Britain. No government ought to own that it exists for the purpose of checking the prosperity of its people, or that there is such a principle involved in its policy.

Under the impression of these sentiments, (and not as wanting every attention to my constituents, which affection

and gratitude could inspire,) I voted for these bills which give you so much trouble. I voted for them, not as doing complete justice to Ireland, but as being something less unjust than the general prohibition which has hitherto prevailed. I hear some discourse, as if in one or two paltry duties on materials, Ireland had a preference; and that those who set themselves against this act of scanty justice, assert that they are only contending for an *equality*. What equality? Do they forget, that the whole woolen manufacture of Ireland, the most extensive and profitable of any, and the natural staple of that kingdom, has been in a manner so destroyed by restrictive laws of ours, and (at our persuasion and on our promises) by restrictive laws of *their own*, that in a few years, it is probable, they will not be able to wear a coat of their own fabric? Is this equality? Do gentlemen forget, that the understood faith upon which they were persuaded to such an unnatural act, has not been kept; but a linen-manufacture has been set up, and highly encouraged, against them? Is this equality? Do they forget the state of the trade of Ireland in beer, so great an article of consumption, and which now stands in so mischievous a position in regard to their revenue, their manufacture, and their agriculture? Do they find any equality in all this? Yet if the least step is taken towards doing them common justice in the slightest articles for the most limited markets, a cry is raised, as if we were going to be ruined by partiality to Ireland.

Gentlemen, I know that the deficiency in these arguments is made up (not by you, but by others) by the usual resource on such occasions, the confidence in military force, and superior power. But that ground of confidence. which at no time was perfectly just, or the avowal of it tolerably decent, is at this time very unseasonable. Late experience has shewn, that it cannot be altogether relied upon; and many, if not all our present difficulties, have arisen from putting our trust in what may very possibly fail; and if it should fail, leaves those who are hurt by such a reliance, without pity. Whereas honesty and justice, reason and equity, go a

very great way in securing prosperity to those who use them; and in case of failure, secure the best retreat, and the most honorable consolations.

It is very unfortunate that we should consider those as rivals, whom we ought to regard as fellow-laborers in a common cause. Ireland has never made a single step in its progress towards prosperity, by which you have not had a share, and perhaps the greatest share, in the benefit. That progress has been chiefly owing to her own natural advantages, and her own efforts, which, after a long time, and by slow degrees, have prevailed in some measure over the mischievous systems which have been adopted. Far enough she is still from having arrived even at an ordinary state of perfection; and if our jealousies were to be converted into politics, as systematically as some would have them, the trade of Ireland would vanish out of the system of commerce. But believe me, if Ireland is beneficial to you, it is so not from the parts in which it is restrained, but from those in which it is left free, though not left unrivaled. The greater its freedom, the greater must be your advantage. If you should lose in one way, you will gain in twenty.

Whilst I remain under this unalterable and powerful conviction, you will not wonder at the *decided* part I take. It is my custom so to do, when I see my way clearly before me; and when I know, that I am not misled by any passion, or any personal interest; which in this case, I am very sure, I am not. I find that disagreeable things are circulated among my constituents; and I wish my sentiments, which form my justification, may be equally general with the circulation against me. I have the honor to be, with the greatest regard and esteem,

Gentlemen, your most obedient
and humble servant,
E. B.

Westminster, May 2, 1778.

I send the bills.

SPEECH

ON PRESENTING TO THE HOUSE OF COMMONS, FEB. 11, 1780,

A PLAN

FOR THE BETTER SECURITY OF

THE INDEPENDENCE OF PARLIAMENT,

AND

THE ECONOMICAL REFORMATION OF THE CIVIL

AND

OTHER ESTABLISHMENTS.

SPEECH.

MR. SPEAKER,

I RISE, in acquittal of my engagement to the house, in obedience to the strong and just requisition of my constituents, and, I am persuaded, in conformity to the unanimous wishes of the whole nation, to submit to the wisdom of parliament, "A plan of reform in the constitution of several parts of the public economy."

I have endeavored, that this plan should include in its execution, a considerable reduction of improper expense; that, it should effect a conversion of unprofitable titles into a productive estate; that, it should lead to, and indeed almost compel, a provident administration of such sums of public money as must remain under discretionary trusts; that, it should render the incurring debts on the civil establishment (which must ultimately affect national strength and national credit) so very difficult, as to become next to impracticable.

But what, I confess, was uppermost with me, what I bent the whole force of my mind to, was the reduction of that corrupt influence, which is itself the perennial spring of all prodigality, and of all disorder; which loads us, more than millions of debt; which takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution.

Sir, I assure you, very solemnly, and with a very clear conscience, that nothing in the world has led me to such an undertaking, but my zeal for the honor of this house, and the settled, habitual, systematic affection I bear to the cause, and to the principles of government.

I enter perfectly into the nature and consequences of my

attempt; and I advance to it with a tremor that shakes me to the inmost fibre of my frame. I feel, that I engage in a business, in itself most ungracious, totally wide of the course of prudent conduct; and I really think, the most completely adverse that can be imagined to the natural turn and temper of my own mind. I know, that all parsimony is of a quality approaching to unkindness; and that (on some person or other) every reform must operate as a sort of punishment. Indeed the whole class of the severe and restrictive virtues, are at a market almost too high for humanity. What is worse, there are very few of those virtues which are not capable of being imitated, and even outdone in many of their most striking effects, by the worst of vices. Malignity and envy will carve much more deeply, and finish much more sharply, in the work of retrenchment, than frugality and providence. I do not, therefore, wonder, that gentlemen have kept away from such a task, as well from good-nature as from prudence. Private feeling might, indeed, be overborne by legislative reason; and a man of a long-sighted and a strong-nerved humanity, might bring himself, not so much to consider from whom he takes a superfluous enjoyment, as for whom in the end he may preserve the absolute necessaries of life.

But it is much more easy to reconcile this measure to humanity, than to bring it to any agreement with prudence. I do not mean that little, selfish, pitiful, bastard thing, which sometimes goes by the name of a family in which it is not legitimate, and to which it is a disgrace;—I mean even that public and enlarged prudence, which, apprehensive of being disabled from rendering acceptable services to the world, withholds itself from those that are invidious. Gentlemen who are, with me, verging towards the decline of life, and are apt to form their ideas of kings from kings of former times, might dread the anger of a reigning prince;—they who are more provident of the future, or by being young are more interested in it, might tremble at the resentment of the successor; they might see a long, dull, dreary, unvaried vista of despair and exclusion, for half a century, before them.

This is no pleasant prospect at the outset of a political journey.

Besides this, sir, the private enemies to be made in all attempts of this kind are innumerable; and their enmity will be the more bitter, and the more dangerous too, because a sense of dignity will oblige them to conceal the cause of their resentment. Very few men of great families and extensive connections, but will feel the smart of a cutting reform, in some close relation, some bosom friend, some pleasant acquaintance, some dear protected dependant. Emolument is taken from some; patronage from others; objects of pursuit from all. Men, forced into an involuntary independence, will abhor the authors of a blessing which in their eyes has so very near a resemblance to a curse. When officers are removed, and the offices remain, you may set the gratitude of some against the anger of others; you may oppose the friends you oblige against the enemies you provoke. But services of the present sort create no attachments. The individual good felt in a public benefit, is comparatively so small, comes round through such an involved labyrinth of intricate and tedious revolutions; whilst a present personal detriment is so heavy, where it falls, and so instant in its operation, that the cold commendation of a public advantage never was, and never will be, a match for the quick sensibility of a private loss: and you may depend upon it, sir, that when many people have an interest in railing, sooner or later, they will bring a considerable degree of unpopularity upon any measure. So that, for the present at least, the reformation will operate against the reformers; and revenge (as against them at the least) will produce all the effects of corruption.

This, sir, is almost always the case, where the plan has complete success. But how stands the matter in the mere attempt? Nothing, you know, is more common, than for men to wish, and call loudly too, for a reformation, who, when it arrives, do by no means like the severity of its aspect. Reformation is one of those pieces which must be put at some distance in order to please. Its greatest favorers love it better

in the abstract than in the substance. When any old prejudice of their own, or any interest that they value, is touched, they become scrupulous, they become captious, and every man has his separate exception. Some pluck out the black hairs, some the grey; one point must be given up to one; another point must be yielded to another; nothing is suffered to prevail upon its own principle; the whole is so frittered down, and disjointed, that scarcely a trace of the original scheme remains! Thus, between the resistance of power, and the unsystematical process of popularity, the undertaker and the undertaking are both exposed, and the poor reformer is hissed off the stage, both by friends and foes.

Observe, sir, that the apology for my undertaking (an apology which, though long, is no longer than necessary,) is not grounded on my want of the fullest sense of the difficult and invidious nature of the task I undertake. I risk odium if I succeed, and contempt if I fail. My excuse must rest in mine and your conviction of the absolute, urgent *necessity* there is, that something of the kind should be done. If there is any sacrifice to be made, either of estimation or of fortune, the smallest is the best. Commanders in chief are not to be put upon the forlorn hope. But, indeed it is necessary that the attempt should be made. It is necessary from our own political circumstances; it is necessary from the operations of the enemy; it is necessary from the demands of the people; whose desires, when they do not militate with the stable and eternal rules of justice and reason (rules which are above us and above them) ought to be as a law to a house of commons.

As to our circumstances, I do not mean to aggravate the difficulties of them, by the strength of any coloring whatsoever. On the contrary, I observe, and observe with pleasure, that our affairs rather wear a more promising aspect than they did on the opening of this session. We have had some leading successes. But those who rate them at the highest (higher a great deal indeed than I dare to do) are of opinion, that, upon the ground of such advantages, we cannot at this

time hope to make any treaty of peace, which would not be ruinous and completely disgraceful. In such an anxious state of things, if dawnings of success serve to animate our diligence, they are good; if they tend to increase our presumption, they are worse than defeats. The state of our affairs shall then be as promising as any one may choose to conceive it: it is, however, but promising. We must recollect, that with but half of our natural strength, we are at war against confederated powers, who have singly threatened us with ruin; we must recollect, that whilst we are left naked on one side, our other flank is uncovered by any alliance; that whilst we are weighing and balancing our successes against our losses, we are accumulating debt to the amount of at least fourteen millions in the year. That loss is certain.

I have no wish to deny, that our successes are as brilliant as any one chooses to make them; our resources too may, for me, be as unfathomable as they are represented. Indeed they are just whatever the people possess, and will submit to pay. Taxing is an easy business. Any projector can contrive new impositions; any bungler can add to the old. But is it altogether wise to have no other bounds to your impositions, than the patience of those who are to bear them?

All I claim upon the subject of your resources is this, that they are not likely to be increased by wasting them. I think I shall be permitted to assume, that a system of frugality will not lessen your riches, whatever they may be;—I believe it will not be hotly disputed, that those resources which lie heavy on the subject, ought not to be objects of preference; that they ought not to be the *very first choice*, to an honest representative of the people.

This is all, sir, that I shall say upon our circumstances and our resources: I mean to say a little more on the operations of the enemy, because this matter seems to me very natural in our present deliberation. When I look to the other side of the water, I cannot help recollecting what Pyrrhus said on reconnoitring the Roman camp, ' These barbarians have nothing barbarous in their discipline." When I look, as I have pretty

carefully looked, into the proceedings of the French king, I am sorry to say it, I see nothing of the character and genius of arbitrary finance; none of the bold frauds of bankrupt power; none of the wild struggles, and plunges, of despotism in distress;—no lopping off from the capital of debt;—no suspension of interest;—no robbery under the name of loan;—no raising the value, no debasing the substance of the coin. I see neither Louis the Fourteenth nor Louis the Fifteenth. On the contrary, I behold with astonishment, rising before me, by the very hands of arbitrary power, and in the very midst of war and confusion, a regular, methodical system of public credit; I behold a fabric laid on the natural and solid foundations of trust and confidence among men; and rising, by fair gradations, order over order, according to the just rules of symmetry and art. What a reverse of things! Principle, method, regularity, economy, frugality, justice to individuals, and care of the people, are the resources with which France makes war upon Great Britain. God avert the omen! But if we should see any genius in war and politics arise in France to second what is done in the bureau!—I turn my eyes from the consequences.

The noble lord in the blue ribbon, last year, treated all this with contempt. He never could conceive it possible that the French minister of finance could go through that year with a loan of but seventeen hundred thousand pounds; and that he should be able to fund that loan without any tax. The second year, however, opens the very same scene. A small loan, a loan of no more than two millions five hundred thousand pounds, is to carry our enemies through the service of this year also. No tax is raised to fund that debt; no tax is raised for the current services. I am credibly informed that there is no anticipation whatsoever. Compensations* are correctly made. Old debts continue to be sunk as in the time

* This term comprehends various retributions made to persons whose offices are taken away, or who, in any other way, suffer by the new arrangements that are made.

of profound peace. Even payments which their treasury had been authorized to suspend during the time of war, are not suspended.

A general reform, executed through every *department of the revenue*, creates an annual income of more than half a million, whilst it facilitates and simplifies all the functions of administration. The king's *household*—at the remotest avenues to which all reformation has been hitherto stopped, that household, which has been the strong hold of prodigality, the virgin fortress which was never before attacked—has been not only defended, but it has, even in the forms, been surrendered by the king to the economy of his minister. No capitulation; no reserve. Economy has entered in triumph into the public splendor of the monarch, into his private amusements, into the appointments of his nearest and highest relations. Economy and public spirit have made a beneficent and an honest spoil; they have plundered, from extravagance and luxury, for the use of substantial service, a revenue of near four hundred thousand pounds. The reform of the finances, joined to this reform of the court, gives to the public nine hundred thousand pounds a year and upwards.

The minister who does these things is a great man. But the king who desires that they should be done, is a far greater. We must do justice to our enemies. These are the acts of a patriot king. I am not in dread of the vast armies of France: I am not in dread of the gallant spirit of its brave and numerous nobility: I am not alarmed even at the great navy which has been so miraculously created. All these things Louis the Fourteenth had before. With all these things, the French monarchy has more than once fallen prostrate at the feet of the public faith of Great Britain. It was the want of public credit which disabled France from recovering after her defeats, or recovering even from her victories and triumphs. It was a prodigal court, it was an ill-ordered revenue, that sapped the foundations of all her greatness. Credit cannot exist under the arm of necessity. Necessity strikes at credit, I allow, with a heavier and quicker blow under an arbitrary mon-

archy, than under a limited and balanced government: but still necessity and credit are natural enemies, and cannot be long reconciled in any situation. From necessity and corruption, a free state may lose the spirit of that complex constitution which is the foundation of confidence. On the other hand, I am far from being sure, that a monarchy, when once it is properly regulated, may not for a long time furnish a foundation for credit upon the solidity of its maxims, though it affords no ground of trust in its institutions. I am afraid I see in England and in France, something like a beginning of both these things. I wish I may be found in a mistake.

This very short, and very imperfect state of what is now going on in France, (the last circumstance of which I received in about eight days after the registry of the edict)* I do not, sir, lay before you for any invidious purpose. It is in order to excite in us the spirit of a noble emulation. Let the nations make war upon each other, (since we must make war) not with a low and vulgar malignity, but by a competition of virtues. This is the only way by which both parties can gain by war. The French have imitated us; let us, through them, imitate ourselves; ourselves in our better and happier days. If public frugality, under whatever men, or in whatever mode of government, is national strength, it is a strength which our enemies are in possession of before us.

Sir, I am well aware, that the state and the result of the French economy which I have laid before you, are even now lightly treated by some, who ought never to speak but from information. Pains have not been spared to represent them as impositions on the public. Let me tell you, sir, that the creation of a navy, and a two years war without taxing, are a very singular species of imposture. But be it so. For what end does Neckar carry on this delusion? Is it to lower the estimation of the crown he serves, and to render his own administration contemptible? No! No! He is conscious, that the sense of mankind is so clear and decided in favor

* Edict, registered 29th January, 1780.

of economy, and of the weight and value of its resources, that he turns himself to every species of fraud and artifice, to obtain the mere reputation of it. Men do not affect a conduct that tends to their discredit. Let us, then, get the better of Monsieur Neckar in his own way. Let us do in reality what he does only in pretence. Let us turn his French tinsel into English gold. Is then the mere opinion and appearance of frugality and good management of such use to France, and is the substance to be so mischievous to England? Is the very constitution of nature so altered by a sea of twenty miles, that economy should give power on the continent, and that profusion should give it here? For God's sake let not this be the only fashion of France which we refuse to copy.

To the last kind of necessity, the desires of the people, I have but a very few words to say. The ministers seem to contest this point; and affect to doubt, whether the people do really desire a plan of economy in the civil government. Sir, this is too ridiculous. It is impossible that they should not desire it. It is impossible that a prodigality which draws its resources from their indigence, should be pleasing to them. Little factions of pensioners, and their dependants, may talk another language. But the voice of nature is against them; and it will be heard. The people of England will not, they cannot take it kindly, that representatives should refuse to their constituents, what an absolute sovereign voluntarily offers to his subjects. The expression of the petitions is, that "*before any new burthens are laid upon this country, effectual measures be taken by this house, to inquire into, and correct, the gross abuses in the expenditure of public money.*"

This has been treated by the noble lord in the blue ribbon, as a wild factious language. It happens, however, that the people in their address to us, use almost word for word the same terms as the king of France uses in addressing himself to his people; and it differs only, as it falls short of the French king's idea of what is due to his subjects. "To convince," says he, "our faithful subjects of *the desire we*

entertain not to recur to new impositions, until we have first exhausted all the resources which order and economy can possibly supply," &c. &c.

These desires of the people of England, which come far short of the voluntary concessions of the king of France, are moderate indeed. They only contend that we should interweave some economy with the taxes with which we have chosen to begin the war. They request, not that you should rely upon economy exclusively, but that you should give it rank and precedence, in the order of the ways and means of this single session.

But if it were possible, that the desires of our constituents, desires which are at once so natural, and so very much tempered and subdued, should have no weight with a house of commons, which has its eye elsewhere; I would turn my eyes to the very quarter to which theirs are directed. I would reason this matter with the house, on the mere policy of the question; and I would undertake to prove, that an early dereliction of abuse, is the direct interest of government; of government taken abstractedly from its duties, and considered merely as a system intending its own conservation.

If there is any one eminent criterion, which, above all the rest, distinguishes a wise government from an administration weak and improvident, it is this:—"well to know the best time and manner of yielding, what it is impossible to keep." There have been, sir, and there are, many who choose to chicane with their situation, rather than be instructed by it. Those gentlemen argue against every desire of reformation, upon the principles of a criminal prosecution. It is enough for them to justify their adherence to a pernicious system, that it is not of their contrivance; that it is an inheritance of absurdity, derived to them from their ancestors; that they can make out a long and unbroken pedigree of mismanagers that have gone before them. They are proud of the antiquity of their house; and they defend their errors, as if they were defending their inheritance: afraid of derogating from their

nobility; and carefully avoiding a sort of blot in their scutcheon, which they think would degrade them for ever.

It was thus that the unfortunate Charles the First defended himself on the practice of the Stuart who went before him, and of all the Tudors; his partisans might have gone to the Plantagenets. They might have found bad examples enough, both abroad and at home, that could have shewn an ancient and illustrious descent. But there is a time, when men will not suffer bad things because their ancestors have suffered worse. There is a time, when the hoary head of inveterate abuse will neither draw reverence, nor obtain protection. If the noble lord in the blue ribbon pleads "*not guilty*" to the charges brought against the present system of public economy, it is not possible to give a fair verdict by which he will not stand acquitted. But pleading is not our present business. His plea or his traverse may be allowed as an answer to a charge, when a charge is made. But if he puts himself in the way to obstruct reformation, then the faults of his office instantly become his own. Instead of a public officer in an abusive department, whose province is an object to be regulated, he becomes a criminal who is to be punished. I do most seriously put it to administration, to consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy: early reformations are made in cool blood; late reformations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill fame; they never attempt to correct or regulate; they go to work by the shortest way—they abate the nuisance, they pull down the house.

This is my opinion with regard to the true interest of government. But as it is the interest of government that reformation should be early, it is the interest of the people that it should be temperate. It is their interest, because a temperate

reform is permanent; and because it has a principle of growth. Whenever we improve, it is right to leave room for a further improvement. It is right to consider, to look about us, to examine the effect of what we have done. Then we can proceed with confidence, because we can proceed with intelligence. Whereas in hot reformations, in what men, more zealous than considerate, call *making clear work*, the whole is generally so crude, so harsh, so indigested; mixed with so much imprudence, and so much injustice; so contrary to the whole course of human nature, and human institutions, that the very people who are most eager for it, are among the first to grow disgusted at what they have done. Then some part of the abdicated grievance is recalled from its exile in order to become a corrective of the correction. Then the abuse assumes all the credit and popularity of a reform. The very idea of purity and disinterestedness in politics falls into disrepute, and is considered as a vision of hot and inexperienced men; and thus disorders become incurable, not by the virulence of their own quality, but by the unapt and violent nature of the remedies. A great part, therefore, of my idea of reform, is meant to operate gradually; some benefits will come at a nearer, some at a more remote period. We must no more make haste to be rich by parsimony, than by intemperate acquisition.

In my opinion, it is our duty when we have the desires of the people before us, to pursue them, not in the spirit of literal obedience, which may militate with their very principle, much less to treat them with a peevish and contentious litigation, as if we were adverse parties in a suit. It would, sir, be most dishonorable for a faithful representative of the commons, to take advantage of any inartificial expression of the people's wishes, in order to frustrate their attainment of what they have an undoubted right to expect. We are under infinite obligations to our constituents, who have raised us to so distinguished a trust, and have imparted such a degree of sanctity to common characters. We ought to walk before them with purity, plainness, and integrity of heart; with filial love,

and not with slavish fear, which is always a low and tricking thing. For my own part, in what I have meditated upon that subject, I cannot indeed take upon me to say I have the honor *to follow* the sense of the people. The truth is, *I met it on the way*, while I was pursuing their interest according to my own ideas. I am happy beyond expression to find that my intentions have so far coincided with theirs, that I have not had cause to be in the least scrupulous to sign their petition, conceiving it to express my own opinions, as nearly as general terms can express the object of particular arrangements.

I am, therefore, satisfied to act as a fair mediator between government and the people, endeavoring to form a plan which should have both an early and a temperate operation. I mean, that it should be substantial; that it should be systematic. That it should rather strike at the first cause of prodigality and corrupt influence, than attempt to follow them in all their effects.

It was to fulfil the first of these objects (the proposal of something substantial) that I found myself obliged, at the outset, to reject a plan proposed by an honorable and attentive member* of parliament, with very good intentions on his part, about a year or two ago. Sir, the plan I speak of was the tax of twenty-five *per cent.* moved upon places and pensions during the continuance of the American war. Nothing, sir, could have met my ideas more than such a tax if it was considered as a practical satire on that war, and as a penalty upon those who led us into it; but in any other view it appeared to me very liable to objections. I considered the scheme as neither substantial, nor permanent, nor systematical, nor likely to be a corrective of evil influence. I have always thought employments a very proper subject of regulation, but a very ill-chosen subject for a tax. An equal tax upon property is reasonable; because the object is of the same quality throughout. The species is the same, it differs only in its quantity: but a

* Thomas Gilbert, Esq., member for Litchfield.

tax upon salaries is totally of a different nature; there can be no equality, and consequently no justice, in taxing them by the hundred, in the gross.

We have, sir, on our establishment, several offices which perform real service. We have also places that provide large rewards for no service at all. We have stations which are made for the public decorum; made for preserving the grace and majesty of a great people. We have likewise expensive formalities, which tend rather to the disgrace than the ornament of the state and the court. This, sir, is the real condition of our establishments. To fall with the same severity on objects so perfectly dissimilar, is the very reverse of a reformation. I mean a reformation framed, as all serious things ought to be, in number, weight and measure. Suppose, for instance, that two men receive a salary of £800 a year each. In the office of one there is nothing at all to be done; in the other, the occupier is oppressed by its duties. Strike off twenty-five *per cent.* from these two offices, you take from one man £200 which in justice he ought to have, and you give in effect to the other £600 which he ought not to receive. The public robs the former, and the latter robs the public; and this mode of mutual robbery is the only way in which the office and the public can make up their accounts.

But the balance of settling the account of this double injustice, is much against the state. The result is short. You purchase a saving of two hundred pounds, by a profusion of six. Besides, sir, whilst you leave a supply of unsecured money behind, wholly at the discretion of ministers, they make up the tax to such places as they wish to favor, or in such new places as they may choose to create. Thus the civil list becomes oppressed with debt; and the public is obliged to repay, and to repay with an heavy interest, what it has taken by an injudicious tax. Such has been the effect of the taxes hitherto laid on pensions and employments, and it is no encouragement to recur again to the same expedient.

In effect, such a scheme is not calculated to produce, but to prevent reformation. It holds out a shadow of present gain

to a needy and necessitous public, to divert their attention from those abuses, which in reality are the great causes of their wants. It is a composition to stay inquiry; it is a fine paid by mismanagement, for the renewal of its lease. What is worse, it is a fine paid by industry and merit, for an indemnity to the idle and the worthless. But I shall say no more upon this topic, because (whatever may be given out to the contrary) I know that the noble lord in the blue ribbon perfectly agrees with me in these sentiments.

After all that I have said on this subject, I am so sensible, that it is our duty to try every thing which may contribute to the relief of the nation, that I do not attempt wholly to reprobate the idea even of a tax. Whenever, sir, the incumbrance of useless office (which lies no less a dead weight upon the service of the state than upon its revenues) shall be removed; when the remaining offices shall be classed according to the just proportion of their rewards and services, so as to admit the application of an equal rule to their taxation; when the discretionary power over the civil list cash shall be so regulated, that a minister shall no longer have the means of repaying with a private, what is taken by a public hand—if after all these preliminary regulations, it should be thought that a tax on places is an object worthy of the public attention, I shall be very ready to lend my hand to a reduction of their emoluments.

Having thus, sir, not so much absolutely rejected, as postponed, the plan of a taxation of office,—my next business was to find something which might be really substantial and effectual. I am quite clear, that if we do not go to the very origin and first ruling cause of grievances, we do nothing. What does it signify to turn abuses out of one door, if we are to let them in at another? What does it signify to promote economy upon a measure, and to suffer it to be subverted in the principle? Our ministers are far from being wholly to blame for the present ill order which prevails. Whilst institutions directly repugnant to good management, are suffered to remain, no effectual or lasting reform *can* be introduced.

I therefore thought it necessary, as soon as I conceived thoughts of submitting to you some plan of reform, to take a comprehensive view of the state of this country; to make a sort of survey of its jurisdictions, its estates, and its establishments. Something in every one of them seemed to me to stand in the way of all economy in their administration, and prevented every possibility of methodizing the system. But being, as I ought to be, doubtful of myself, I was resolved not to proceed in an *arbitrary* manner in any particular which tended to change the settled state of things, or in any degree to affect the fortune or situation, the interest or the importance, of any individual. By an arbitrary proceeding, I mean one conducted by the private opinions, tastes, or feelings, of the man who attempts to regulate. These private measures are not standards of the exchequer, nor balances of the sanctuary. General principles cannot be debauched or corrupted by interest or caprice; and by those principles I was resolved to work.

Sir, before I proceed further, I will lay these principles fairly before you, that afterwards you may be in a condition to judge whether every object of regulation, as I propose it, comes fairly under its rule. This will exceedingly shorten all discussion between us, if we are perfectly in earnest in establishing a system of good management. I therefore lay down to myself seven fundamental rules; they might indeed be reduced to two or three simple maxims, but they would be too general, and their application to the several heads of the business before us, would not be so distinct and visible. I conceive, then,

First, That all jurisdictions which furnish more matter of expense, more temptation to oppression, or more means and instruments of corrupt influence, than advantage to justice or political administration, ought to be abolished.

Secondly, That all public estates which are more subservient to the purposes of vexing, overawing, and influencing those who hold under them, and to the expense of perception and management, than of benefit to the revenue, ought, upon

every principle, both of revenue and of freedom, to be disposed of.

Thirdly, That all offices which bring more charge than proportional advantage to the state; that all offices which may be engrafted on others, uniting and simplifying their duties, ought in the first case, to be taken away; and in the second, to be consolidated.

Fourthly, That all such offices ought to be abolished, as obstruct the prospect of the general superintendent of finance; which destroy his superintendency, which disable him from foreseeing and providing for charges as they may occur; from preventing expense in its origin, checking it in its progress, or securing its application to its proper purposes. A minister, under whom expenses can be made without his knowledge, can never say what it is that he can spend, or what it is that he can save.

Fifthly, That it is proper to establish an invariable order in all payments; which will prevent partiality; which will give preference to services, not according to the importunity of the demandant, but the rank and order of their utility or their justice.

Sixthly, That it is right to reduce every establishment, and every part of an establishment (as nearly as possible) to certainty, the life of all order and good management.

Seventhly, That all subordinate treasuries, as the nurseries of mismanagement, and as naturally drawing to themselves as much money as they can, keeping it as long as they can, and accounting for it as late as they can, ought to be dissolved. They have a tendency to perplex and distract the public accounts, and to excite a suspicion of government even beyond the extent of their abuse.

Under the authority and with the guidance of those principles, I proceed; wishing that nothing in any establishment may be changed, where I am not able to make a strong, direct, and solid application of those principles, or of some one of them. An economical constitution is a necessary basis for an economical administration.

First, with regard to the sovereign jurisdictions, I must observe, sir, that whoever takes a view of this kingdom in a cursory manner, will imagine, that he beholds a solid, compacted, uniform system of monarchy; in which all inferior jurisdictions are but as rays diverging from one centre. But on examining it more nearly, you find much eccentricity and confusion. It is not a monarchy in strictness. But, as in the Saxon times this country was an heptarchy, it is now a strange sort of *pentarchy*. It is divided into five several distinct principalities, besides the supreme. There is indeed this difference from the Saxon times, that as in the itinerant exhibitions of the stage, for want of a complete company, they are obliged to throw a variety of parts on their chief performer; so our sovereign condescends himself to act not only the principal, but all the subordinate parts in the play. He condescends to dissipate the royal character, and to trifle with those light subordinate lacquered sceptres in those hands that sustain the ball, representing the world, or which wield the trident that commands the ocean. Cross a brook, and you lose the king of England; but you have some comfort in coming again under his majesty, though "shorn of his beams," and no more than prince of Wales. Go to the north, and you find him dwindled to a duke of Lancaster; turn to the west of that north, and he pops upon you in the humble character of earl of Chester. Travel a few miles on, the earl of Chester disappears; and the king surprises you again as count palatine of Lancaster. If you travel beyond Mount Edgecomb, you find him once more in his incognito, and he is duke of Cornwall. So that, quite fatigued and satiated with this dull variety, you are infinitely refreshed when you return to the sphere of his proper splendor, and behold your amiable sovereign in his true, simple, undisguised, native character of majesty.

In every one of these five principalities, duchies, palatinates, there is a regular establishment of considerable expense, and most domineering influence. As his majesty submits to appear in this state of subordination to himself, his loyal peers

and faithful commons attend his royal transformations; and are not so nice as to refuse to nibble at those crumbs of emoluments, which console their petty metamorphoses. Thus every one of those principalities has the apparatus of a kingdom, for the jurisdiction over a few private estates; and the formality and charge of the exchequer of Great Britain, for collecting the rents of a country 'squire. Cornwall is the best of them; but when you compare the charge with the receipt, you will find that it furnishes no exception to the general rule. The duchy and county palatine of Lancaster do not yield, as I have reason to believe, on an average of twenty years, four thousand pounds a year, clear to the crown. As to Wales, and the county palatine of Chester, I have my doubts, whether their productive exchequer yields any returns at all. Yet one may say, that this revenue is more faithfully applied to its purposes than any of the rest; as it exists for the sole purpose of multiplying offices, and extending influence.

An attempt was lately made to improve this branch of local influence, and to transfer it to the fund of general corruption. I have on the seat behind me, the constitution of Mr. John Probert, a knight-errant, dubbed by the noble lord in the blue-ribbon, and sent to search for revenues and adventures upon the mountains of Wales. The commission is remarkable; and the event not less so. The commission sets forth, that "Upon a report of the *deputy auditor*" (for there is a deputy auditor) "of the principality of Wales, it appeared, that his majesty's land revenues in the said principality, *are greatly diminished;*"—and "that upon a *report* of the *surveyor general* of his majesty's land revenues, upon a *memorial* of the auditor of his majesty's revenues *within the said principality*, that his mines and forests have produced very *little profit either to the public revenue or to individuals;*"—and therefore they appoint Mr. Probert, with a pension of three hundred pounds a year from the said principality, to try whether he can make any thing more of that very *little* which is stated to be so *greatly* diminished. "*A beggarly account of empty boxes.*"

And yet, sir, you will remark—that this little diminution from littleness (which serves only to prove the infinite divisibility of matter) was not for want of the tender, and officious care (as we see) of surveyors general, and surveyors particular; of auditors and deputy auditors; not for want of memorials, and remonstrances, and reports, and commissions, and constitutions, and inquisitions, and pensions.

Probert, thus armed, and accoutred—and paid, proceeded on his adventure; but he was no sooner arrived on the confines of Wales, than all Wales was in arms to meet him. That nation is brave, and full of spirit. Since the invasion of king Edward, and the massacre of the bards, there never was such a tumult, and alarm, and uproar, through the region of *Prestatyn*. *Snowden* shook to its base; *Cader Idris* was loosened from its foundations. The fury of litigious war blew her horn on the mountains. The rocks poured down their goatherds, and the deep caverns vomited out their miners. Every thing above ground, and every thing under ground, was in arms.

In short, sir, to alight from my Welsh Pegasus, and to come to level ground; the *Preux Chevalier* Probert went to look for revenue like his masters upon other occasions; and like his masters, he found rebellion. But we were grown cautious by experience. A civil war of paper might end in a more serious war; for now remonstrance met remonstrance, and memorial was opposed to memorial. The wise Britons thought it more reasonable that the poor wasted decrepid revenue of the principality, should die a natural than a violent death. In truth, sir, the attempt was no less an affront upon the understanding of that respectable people, than it was an attack on their property. They chose rather that their ancient moss-grown castles should moulder into decay, under the silent touches of time, and the slow formality of an oblivious and drowsy exchequer, than that they should be battered down all at once, by the lively efforts of a pensioned engineer. As it is the fortune of the noble lord, to whom the auspices of this campaign belonged, frequently to provoke resistance, so it is his rule and

nature to yield to that resistance *in all cases whatsoever.* He was true to himself on this occasion. He submitted with spirit to the spirited remonstrances of the Welsh. Mr. Probert gave up this adventure, and keeps his pension—and so ends "the famous history of the revenue adventures of the bold baron North, and the good knight Probert, upon the mountains of Venodotia."

In such a state is the exchequer of Wales at present, that upon the report of the treasury itself, its *little* revenue is *greatly* diminished; and we see by the whole of this strange transaction, that an attempt to improve it produces resistance; the resistance produces submission; and the whole ends in pension.*

It is nearly the same with the revenues of the duchy of Lancaster. To do nothing with them is extinction; to improve them is oppression. Indeed, the whole of the estates which support these minor principalities, is made up, not of revenues and rents, and profitable fines, but of claims, of pretensions, of vexations, of litigations. They are exchequers of unfrequent receipt, and constant charge; a system of finances not fit for an economist who would be rich; not fit for a prince who would govern his subjects with equity and justice.

It is not only between prince and subject, that these mock jurisdictions, and mimic revenues produce great mischief. They excite among the people a spirit of informing, and delating; a spirit of supplanting and undermining one another. So that many in such circumstances, conceive it advantageous to them, rather to continue subject to vexation themselves, than to give up the means and chance of vexing others. It is exceedingly common for men to contract their

* Here Lord North shook his head, and told those who sat near him, that Mr. Probert's pension was to depend on his success. It may be so. Mr. Probert's pension was, however, no essential part of the question; nor did Mr. B. care whether he still possessed it or not. His point was, to shew the ridicule of attempting an improvement of the Welsh revenue under its present establishment.

love to their country, into an attachment to its petty subdivisions; and they sometimes even cling to their provincial abuses, as if they were franchises and local privileges. Accordingly, in places, where there is much of this kind of estate, persons will be always found, who would rather trust to their talents in recommending themselves to power for the renewal of their interests, than to incumber their purses, though never so lightly, in order to transmit independence to their posterity. It is a great mistake, that the desire of securing property is universal among mankind. Gaming is a principle inherent in human nature. It belongs to us all. I would therefore break those tables; I would furnish no evil occupation for that spirit. I would make every man look every where, except to the intrigue of a court, for the improvement of his circumstances, or the security of his fortune. I have in my eye a very strong case in the duchy of Lancaster, (which lately occupied Westminster-hall and the house of lords) as my voucher for many of these reflections.*

For what plausible reason are these principalities suffered to exist? When a government is rendered complex (which in itself is no desirable thing) it ought to be for some political end, which cannot be answered otherwise. Subdivisions in government, are only admissible in favor of the dignity of inferior princes, and high nobility; or for the support of an aristocratic confederacy under some head; or for the conservation of the franchises of the people in some privileged province. For the two former of these ends, such are the subdivisions in favor of the electoral and other princes in the empire; for the latter of these purposes are the jurisdictions of the imperial cities, and the Hanse towns. For the latter of these ends are also the countries of the States [*Pais d' Etats*] and certain cities, and orders in France. These are all regulations with an object, and some of them with a very good object. But how are the principles of any of these subdivisions applicable in the case before us?

* Case of Richard Lee, Esq., appellant, against George Venables Lord Vernon, respondent, in the year 1776.

Do they answer any purpose to the king? The principality of Wales was given by patent to Edward the Black Prince, on the ground on which it has since stood. Lord Coke sagaciously observes upon it, "That in the charter of creating the Black Prince Edward prince of Wales, there is a *great mystery*—for *less* than an estate of inheritance, so *great* a prince *could* not have, and an *absolute estate of inheritance* in so *great* a principality as Wales (this principality being *so dear* to him) he *should* not have; and therefore it was made, *sibi et heredibus suis regibus Angliæ*, that by his decease, or attaining to the crown, it might be extinguished in the crown."

For the sake of this foolish *mystery*, of what a great prince *could* not have *less*, and *should* not have *so much*, of a principality which was too *dear* to be given, and too *great* to be kept—and for no other cause that ever I could find—this form and shadow of a principality, without any substance, has been maintained. That you may judge in this instance (and it serves for the rest) of the difference between a great and a little economy, you will please to recollect, sir, that Wales may be about the tenth part of England in size and population; and certainly not a hundredth part in opulence. Twelve judges perform the whole of the business, both of the stationary and itinerant justice of this kingdom; but for Wales there are eight judges. There is in Wales an exchequer, as well as in all the duchies, according to the very best and most authentic absurdity of form. There are in all of them, a hundred more difficult trifles and laborious fooleries, which serve no other purpose than to keep alive corrupt hope and servile dependence.

These principalities are so far from contributing to the ease of the king, to his wealth, or his dignity, that they render both his supreme and his subordinate authority, perfectly ridiculous. It was but the other day, that that pert, factious fellow, the duke of Lancaster, presumed to fly in the face of his liege lord, our gracious sovereign; and *associating* with a parcel of lawyers as factious as himself, to the destruction of

all law and order, and *in committees leading directly to rebellion*—presumed to go to law with the king. The object is neither your business, nor mine. Which of the parties got the better, I really forget. I think it was (as it ought to be) the king. The material point is, that the suit cost about fifteen thousand pounds. But as the duke of Lancaster is but a sort of *duke Humphrey*, and not worth a groat, our sovereign was obliged to pay the costs of both. Indeed this art of converting a great monarch into a little prince, this royal masquerading, is a very dangerous and expensive amusement; and one of the king's *menus plaisirs*, which ought to be reformed. This duchy, which is not worth four thousand pounds a year at best, to *revenue*, is worth forty or fifty thousand to *influence*.

The duchy of Lancaster, and the county palatine of Lancaster, answered, I admit, some purpose in their original creation. They tended to make a subject imitate a prince. When Henry the Fourth from that stair ascended the throne, high-minded as he was, he was not willing to kick away the ladder. To prevent that principality from being extinguished in the crown, he severed it by act of parliament. He had a motive, such as it was; he thought his title to the crown unsound, and his possession insecure. He therefore managed a retreat in his duchy; which Lord Coke calls (I do not know why) *par multis regnis*. He flattered himself that it was practicable to make a projecting point half way down, to break his fall from the precipice of royalty; as if it were possible for one who had lost a kingdom to keep any thing else. However, it is evident that he thought so. When Henry the Fifth united, by act of parliament, the estates of his mother to the duchy, he had the same predilection with his father, to the root of his family honors, and the same policy in enlarging the sphere of a possible retreat from the slippery royalty of the two great crowns he held. All this was changed by Edward the Fourth. He had no such family partialities, and his policy was the reverse of that of Henry the Fourth and Henry the Fifth. He accordingly again united the duchy of Lancaster to the crown. But when

Henry the Seventh, who chose to consider himself as of the house of Lancaster, came to the throne, he brought with him the old pretensions, and the old politics of that house. A new act of parliament, a second time, dissevered the duchy of Lancaster from the crown; and in that line things continued until the subversion of the monarchy, when principalities and powers fell along with the throne. The duchy of Lancaster must have been extinguished, if Cromwell, who began to form ideas of aggrandizing his house, and raising the several branches of it, had not caused the duchy to be again separated from the commonwealth, by an act of the parliament of those times.

What partiality, what objects of the politics of the house of Lancaster, or of Cromwell, has his present majesty, or his majesty's family? What power have they within any of these principalities, which they have not within their kingdom? In what manner is the dignity of the nobility concerned in these principalities? What rights have the subjects there, which they have not at least equally in every other part of the nation? These distinctions exist for no good end to the king, to the nobility, or to the people. They ought not to exist at all. If the crown (contrary to its nature, but most conformably to the whole tenor of the advice that has been lately given,) should so far forget its dignity, as to contend, that these jurisdictions and revenues are estates of private property, I am rather for acting as if that groundless claim were of some weight, than for giving up that essential part of the reform. I would value the clear income, and give a clear annuity to the crown, taken on the medium produce for twenty years.

If the crown has any favorite name or title, if the subject has any matter of local accommodation within any of these jurisdictions, it is meant to preserve them; and to improve them, if any improvement can be suggested. As to the crown reversions or titles upon the property of the people there, it is proposed to convert them from a snare to their independence, into a relief from their burthens. I propose, therefore, to unite

all the five principalities to the crown, and to its ordinary jurisdiction,—to abolish all those offices that produce an useless and chargeable separation from the body of the people,—to compensate those who do not hold their offices (if any such there are) at the pleasure of the crown,—to extinguish vexatious titles by an act of short limitation,—to sell those unprofitable estates which support useless jurisdictions, and to turn the tenant-right into a fee, on such moderate terms as will be better for the state than its present right, and which it is impossible for any rational tenant to refuse.

As to the duchies, their judicial economy may be provided for without charge. They have only to fall of course into the common county administration. A commission more or less made or omitted, settles the matter fully. As to Wales it has been proposed to add a judge to the several courts of Westminster-hall; and it has been considered as an improvement in itself. For my part, I cannot pretend to speak upon it with clearness or with decision; but certainly this arrangement would be more than sufficient for Wales. My original thought was to suppress five of the eight judges; and to leave the chief justice of Chester, with the two senior judges; and, to facilitate the business, to throw the twelve counties into six districts, holding the sessions alternately in the counties of which each district shall be composed. But on this I shall be more clear, when I come to the particular bill.

Sir, the house will now see whether, in praying for judgment against the minor principalities, I do not act in conformity to the laws that I had laid to myself, of getting rid of every jurisdiction more subservient to oppression and expense, than to any end of justice or honest policy; of abolishing offices more expensive than useful; of combining duties improperly separated; of changing revenues more vexatious than productive, into ready money; of suppressing offices which stand in the way of economy; and of cutting off lurking subordinate treasuries. Dispute the rules; controvert the application; or give your hands to this salutary measure.

Most of the same rules will be found applicable to my

second object—*the landed estate of the crown.* A landed estate is certainly the very worst which the crown can possess. All minute and dispersed possessions, possessions that are often of indeterminate value, and which require a continued personal attendance, are of a nature more proper for private management, than public administration. They are fitter for the care of a frugal land steward, than of an office in the state. Whatever they may possibly have been in other times, or in other countries, they are not of magnitude enough with us, to occupy a public department, nor to provide for a public object. They are already given up to parliament, and the gift is not of great value. Common prudence dictates even in the management of private affairs, that all dispersed and chargeable estates should be sacrificed to the relief of estates more compact and better circumstanced.

If it be objected, that these lands at present would sell at a low market; this is answered, by shewing that money is at a high price. The one balances the other. Lands sell at the current rate, and nothing can sell for more. But be the price what it may, a great object is always answered, whenever any property is transferred from hands that are not fit for that property, to those that are. The buyer and seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the exchequer.

As to the *forest lands*, in which the crown has (where they are not granted or prescriptively held) the *dominion* of the *soil*, and the *vert* and *venison;* that is to say, the timber and the game, and in which the people have a variety of rights, in common of herbage, and other commons, according to the usage of the several forests;—I propose to have those rights of the crown valued as manorial rights are valued on an enclosure; and a defined portion of land to be given for them; which land is to be sold for the public benefit.

As to the timber, I propose a survey of the whole. What is useless for the naval purposes of the kingdom, I would condemn, and dispose of for the security of what may be useful;

and to enclose such other parts as may be most fit to furnish a perpetual supply; wholly extinguishing, for a very obvious reason, all right of *venison* in those parts.

The forest *rights* which extend over the lands and possessions of others, being of no profit to the crown, and a grievance, as far as it goes, to the subject; these I propose to extinguish without charge to the proprietors. The several commons are to be allotted and compensated for, upon ideas which I shall hereafter explain. They are nearly the same with the principles upon which you have acted in private enclosures. I shall never quit precedents where I find them applicable. For those regulations and compensations, and for every other part of the detail, you will be so indulgent as to give me credit for the present.

The revenue to be obtained from the sale of the forest lands and rights, will not be so considerable, I believe, as many people have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance, according to their eagerness, the purchase of objects, wherein the expense of that purchase may weaken the capital to be employed in their cultivation. This, I am well aware, might give room for partiality in the disposal. In my opinion it would be the lesser evil of the two. But I really conceive, that a rule of fair preference might be established, which would take away all sort of unjust and corrupt partiality. The principal revenue which I propose to draw from these uncultivated wastes, is to spring from the improvement and population of the kingdom; which never can happen, without producing an improvement more advantageous to the revenues of the crown, than the rents of the best landed estate which it can hold. I believe, sir, it will hardly be necessary for me to add, that in this sale I naturally except all the houses, gardens, and parks, belonging to the crown, and such one forest as shall be chosen by his majesty, as best accommodated to his pleasures.

By means of this part of the reform, will fall the expensive office of *surveyor general*, with all the influence that attends

it. By this will fall *two chief justices in Eyre*, with all their train of dependents. You need be under no apprehension, sir, that your office is to be touched in its emoluments; they are yours by law; and they are but a moderate part of the compensation which is given to you for the ability with which you execute an office of quite another sort of importance; it is far from over-paying your diligence; or more than sufficient for sustaining the high rank you stand in, as the first gentleman of England. As to the duties of your chief justiceship, they are very different from those for which you have received the office. Your dignity is too high for a jurisdiction over wild beasts; and your learning and talents too valuable to be wasted as chief justice of a desert. I cannot reconcile it to myself, that you, sir, should be stuck up as an useless piece of antiquity.

I have now disposed of the unprofitable landed estates of the crown, and thrown them into the mass of private property; by which they will come, through the course of circulation, and through the political secretions of the state, into our better understood and better ordered revenues.

I come next to the great supreme body of the civil government itself. I approach it with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent. Disorders, sir, and infirmities, there are —such disorders, that all attempts towards method, prudence, and frugality, will be perfectly vain, whilst a system of confusion remains, which is not only alien, but adverse to all economy; a system, which is not only prodigal in its very essence, but causes every thing else which belongs to it to be prodigally conducted.

It is impossible, sir, for any person to be an economist where no order in payments is established; it is impossible for a man to be an economist, who is not able to take a comparative view of his means, and of his expenses, for the year which lies before him; it is impossible for a man to be an economist, under whom various officers in their several departments may spend,—even just what they please,—and often with an emu-

lation of expense, as contributing to the importance, if not profit, of their several departments. Thus much is certain; that neither the present, nor any other first lord of the treasury, has been ever able to take a survey, or to make even a tolerable guess, of the expenses of government for any one year; so as to enable him with the least degree of certainty, or even probability, to bring his affairs within compass. Whatever scheme may be formed upon them, must be made on a calculation of chances. As things are circumstanced, the first lord of the treasury cannot make an estimate. I am sure I serve the king, and I am sure I assist administration, by putting economy at least in their power. We must *class services;* we must (as far as their nature admits) *appropriate* funds; or every thing, however reformed, will fall again into the old confusion.

Coming upon this ground of the civil list, the first thing in dignity and charge that attracts our notice, is the *royal household.* This establishment, in my opinion, is exceedingly abusive in its constitution. It is formed upon manners and customs that have long since expired. In the first place, it is formed, in many respects, upon *feudal principles.* In the feudal times, it was not uncommon, even among subjects, for the lowest offices to be held by considerable persons; persons as unfit by their incapacity, as improper from their rank, to occupy such employments. They were held by patent, sometimes for life, and sometimes by inheritance. If my memory does not deceive me, a person of no slight consideration held the office of patent hereditary cook to an earl of Warwick. The earl of Warwick's soups, I fear, were not the better for the dignity of his kitchen. I think it was an earl of Gloucester, who officiated as steward of the household to the archbishops of Canterbury. Instances of the same kind may in some degree be found in the Northumberland house-book, and other family records. There was some reason in ancient necessities, for these ancient customs Protection was wanted; and the domestic tie, though not the highest, was the closest.

The king's household has not only several strong traces of this *feudality*, but it is formed also upon the principles of

a *body corporate;* it has its own magistrates, courts, and by-laws.

This might be necessary in the ancient times, in order to have a government within itself, capable of regulating the vast and often unruly multitude which composed and attended it. This was the origin of the ancient court called the *Green Cloth*—composed of the marshal, treasurer, and other great officers of the household, with certain clerks. The rich subjects of the kingdom, who had formerly the same establishments (only on a reduced scale) have since altered their economy; and turned the course of their expense from the maintenance of vast establishments within their walls, to the employment of a great variety of independent trades abroad. Their influence is lessened; but a mode of accommodation, and a style of splendor, suited to the manners of the times, has been increased. Royalty itself has insensibly followed; and the royal household has been carried away by the resistless tide of manners: but with this very material difference; —private men have got rid of the establishments along with the reasons of them; whereas the royal household has lost all that was stately and venerable in the antique manners, without retrenching any thing of the cumbrous charge of a Gothic establishment. It is shrunk into the polished littleness of modern elegance and personal accommodation; it has evaporated from the gross concrete, into an essence and rectified spirit of expense, where you have tons of ancient pomp in a vial of modern luxury.

But when the reason of old establishments is gone, it is absurd to preserve nothing but the burthen of them. This is superstitiously to embalm a carcass not worth an ounce of the gums that are used to preserve it. It is to burn precious oils in the tomb; it is to offer meat and drink to the dead,—not so much an honor to the deceased, as a disgrace to the survivors. Our palaces are vast inhospitable halls. There the bleak winds, there "Boreas, and Eurus, and Caurus, and Argestes loud," howling through the vacant lobbies and clattering the doors of deserted guard-rooms, appal the imagination, and

[redacted]

the subject of a long line of statutes (not fewer, I think, than twenty-six,) was wholly taken away by the twelfth of Charles the Second; yet in the next year of the same reign, it was found necessary to revive it by a special act of parliament, for the sake of the king's journeys. This, sir, is curious; and what would hardly be expected in so reduced a court as that of Charles the Second, and so improved a country as England might then be thought. But so it was. In our time, one well filled and well covered stage-coach requires more accommodation than a royal progress; and every district, at an hour's warning, can supply an army.

I do not say, sir, that all these establishments, whose principle is gone, have been systematically kept up for influence solely: neglect had its share. But this I am sure of, that a consideration of influence has hindered any one from attempting to pull them down. For the purposes of influence, and for those purposes only, are retained half at least of the household establishments. No revenue, no, not a royal revenue, can exist under the accumulated charge of ancient establishment, modern luxury, and parliamentary political corruption.

If therefore we aim at regulating this household, the question will be, whether we ought to economize by *detail*, or by *principle?* The example we have had of the success of an attempt to economize by detail, and under establishments adverse to the attempt, may tend to decide this question.

At the beginning of his majesty's reign, lord Talbot came to the administration of a great department in the household. I believe no man ever entered into his majesty's service, or into the service of any prince, with a more clear integrity, or with more zeal and affection for the interest of his master; and I must add, with abilities for a still higher service. Economy was then announced as a maxim of the reign. This noble lord, therefore, made several attempts towards a reform. In the year 1777, when the king's civil list debts came last to be paid, he explained very fully the success of his undertaking. He told the house of lords, that he had attempted to reduce the charges of the king's tables, and his

kitchen. The thing, sir, was not below him. He knew that there is nothing interesting in the concerns of men, whom we love and honor, that is beneath our attention. "Love," says one of our old poets, "esteems no office mean;" and with still more spirit, "entire affection scorneth nicer hands." Frugality, sir, is founded on the principle, that all riches have limits. A royal household, grown enormous, even in the meanest departments, may weaken and perhaps destroy all energy in the highest offices of the state. The gorging a royal kitchen may stint and famish the negotiations of a kingdom. Therefore the object was worthy of his, was worthy of any man's attention.

In consequence of this noble lord's resolution, (as he told the other house) he reduced several tables, and put the persons entitled to them upon board wages, much to their own satisfaction. But unluckily, subsequent duties requiring constant attendance, it was not possible to prevent their being fed where they were employed—and thus this first step towards economy doubled the expense.

There was another disaster far more doleful than this. I shall state it, as the cause of that misfortune lies at the bottom of almost all our prodigality. Lord Talbot attempted to reform the kitchen; but such, as he well observed, is the consequence of having duty done by one person, whilst another enjoys the emoluments, that he found himself frustrated in all his designs. On that rock his whole adventure split—his whole scheme of economy was dashed to pieces; his department became more expensive than ever;—the civil list debt accumulated—Why? It was truly from a cause, which, though perfectly adequate to the effect, one would not have instantly guessed;—it was because the *turnspit in the king's kitchen was a member of parliament.** The king's domestic servants were all undone; his tradesmen remained unpaid, and became bankrupt—*because the turnspit of the*

* Vide lord Talbot's speech in Almon's Parliamentary Register, vol. vii. p. 79, of the proceedings of the lords.

king's kitchen was a member of parliament. His majesty's slumbers were interrupted, his pillow was stuffed with thorns, and his peace of mind entirely broken—*because the king's turnspit was a member of parliament.* The judges were unpaid; the justice of the kingdom bent and gave way; the foreign ministers remained inactive and unprovided; the system of Europe was dissolved; the chain of our alliances was broken; all the wheels of government at home and abroad were stopped—*because the king's turnspit was a member of parliament.*

Such, sir, was the situation of affairs, and such the cause of that situation, when his majesty came a second time to parliament, to desire the payment of those debts which the employment of its members in various offices, visible and invisible, had occasioned. I believe that a like fate will attend every attempt at economy by detail, under similar circumstances, and in every department. A complex operose office of account and control, is, in itself, and even if members of parliament had nothing to do with it, the most prodigal of all things. The most audacious robberies, or the most subtle frauds, would never venture upon such a waste, as an overcareful, detailed guard against them will infallibly produce. In our establishments, we frequently see an office of account, of an hundred pounds a year expense, and another office of an equal expense, to control that office, and the whole upon a matter that is not worth twenty shillings.

To avoid, therefore, this minute care which produces the consequences of the most extensive neglect, and to oblige members of parliament to attend to public cares, and not to the servile offices of domestic management, I propose, sir, to *economize by principle*, that is, I propose to put affairs into that train which experience points out as the most effectual, from the nature of things, and from the constitution of the human mind. In all dealings where it is possible, the principles of radical economy prescribe three things; first, undertaking by the great; secondly, engaging with persons of skill in the subject matter; thirdly, engaging with those who shall

have an immediate and direct interest in the proper execution of the business.

To avoid frittering and crumbling down the attention by a blind unsystematic observance of every trifle, it has ever been found the best way to do all things, which are great in the total amount, and minute in the component parts, by a *general contract*. The principles of trade have so pervaded every species of dealing, from the highest to the lowest objects; all transactions are got so much into system, that we may, at a moment's warning, and to a farthing value, be informed at what rate any service may be supplied. No dealing is exempt from the possibility of fraud. But by a contract on a matter certain, you have this advantage—you are sure to know the utmost *extent* of the fraud to which you are subject. By a contract with a person in *his own trade*, you are sure you shall not suffer by *want of skill*. By a *short* contract you are sure of making it the *interest* of the contractor to exert that skill for the satisfaction of his employers.

I mean to derogate nothing from the diligence or integrity of the present, or of any former board of green-cloth. But what skill can members of parliament obtain in that low kind of province? What pleasure can they have in the execution of that kind of duty? And if they should neglect it, how does it affect their interest, when we know that it is their vote in parliament, and not their diligence in cookery or catering, that recommends them to their office, or keeps them in it?

I therefore propose, that the king's tables (to whatever number of tables, or covers to each, he shall think proper to command,) should be classed by the steward of the household, and should be contracted for, according to their rank, by the head or cover;—that the estimate and circumstance of the contract should be carried to the treasury to be approved; and that its faithful and satisfactory performance should be reported there previous to any payment; that there, and there only, should the payment be made. I propose, that men should be contracted with only in their pro-

per trade; and that no member of parliament should be capable of such contract. By this plan, almost all the infinite offices under the lord steward may be spared; to the extreme simplification, and to the far better execution of every one of his functions. The king of Prussia is so served. He is a great and eminent (though indeed a very rare) instance of the possibility of uniting in a mind of vigor and compass, an attention to minute objects, with the largest views, and the most complicated plans. His tables are served by contract, and by the head. Let me say, that no prince can be ashamed to imitate the king of Prussia; and particularly to learn in his school, when the problem is—"The best manner of reconciling the state of a court with the support of war?" Other courts, I understand, have followed him with effect, and to their satisfaction.

The same clue of principle leads us through the labyrinth of the other departments. What, sir, is there in the office of *the great wardrobe* (which has the care of the king's furniture) that may not be executed by the *lord chamberlain himself?* He has an honorable appointment; he has time sufficient to attend to the duty; and he has the vice chamberlain to assist him. Why should not he deal also by contract, for all things belonging to this office, and carry his estimates first, and his report of the execution in its proper time, for payment, directly to the board of treasury itself? By a simple operation (containing in it a treble control) the expenses of a department, which for naked walls, or walls hung with cobwebs, has in a few years cost the crown £150,000, may at length hope for regulation. But, sir, the office and its business are at variance. As it stands, it serves not to furnish the palace with its hangings, but the parliament with its dependent members.

To what end, sir, does the office of *removing wardrobe* serve at all? Why should a *jewel office* exist for the sole purpose of taxing the king's gifts of plate? Its object falls naturally within the *chamberlain's* province; and ought to be under his care and inspection without any fee. Why should an office

[illegible] when that of *groom of the stole* is a sine-[illegible] and that this is a proper object of his department?

A[illegible] these incumbrances, which are themselves nuisances, [illegible] other incumbrances, and other nuisances. For the [illegible] of these useless establishments, there are no less [illegible] two to hold a purse, and one to [illegible] The treasurer of the household is a mere [illegible] The [illegible] and the treasurer of the chamber receive [illegible] great sums, which it is not at all necessary *they* [illegible] receive or pay. All the proper officers, ser-[illegible] and tradesmen, may be enrolled in their several de-[illegible] and paid in proper classes and times with great [illegible] at the exchequer, and by direction from [illegible]

The *board of works*, which in the seven years preceding [illegible] towards £[illegible]* and (if I recollect rightly) [illegible] proportion from the beginning of the reign, [illegible] very same description of all the other ill-con-[illegible] and calls for the very same reform. [illegible] visible signs of all this expense. For [illegible] see a building of the size and [illegible] Buckingham-house was re-[illegible] the public for one hundred thousand [illegible] house at Windsor has been, if I mis-[illegible] since that account was brought before [illegible] of that board of works, are as carefully [illegible] good works ought to be: they are perfectly [illegible] it is the perfection of charity to be [illegible] the property and glory of magnificence. [illegible] forward to the eye.

[illegible] ought to be a concern of builders, and [illegible] is turned into a junto of members [illegible] office too has a *treasury*, and a pay-[illegible] the arduous affairs of that import-[illegible] too fatiguing, that paymaster has a

* More exactly £37[illegible],616 10*s*. 1¾*d*.

deputy to partake his profits, and relieve his cares. I do not believe, that either now or in former times, the chief managers of that board have made any profit of its abuse. It is, however, no good reason that an abusive establishment should subsist, because it is of as little private as of public advantage. But this establishment has the grand radical fault, the original sin, that pervades and perverts all our establishments;—the apparatus is not fitted to the object, nor the workmen to the work. Expenses are incurred on the private opinion of an inferior establishment, without consulting the principal; who can alone determine the proportion which it ought to bear to the other establishments of the state, in the order of their relative importance.

I propose, therefore, along with the rest, to pull down this whole ill-contrived scaffolding, which obstructs, rather than forwards our public works; to take away its treasury; to put the whole into the hands of a real builder, who shall not be a member of parliament; and to oblige him, by a previous estimate and final payment, to appear twice at the treasury before the public can be loaded. The king's gardens are to come under a similar regulation.

The *mint*, though not a department of the household, has the same vices. It is a great expense to the nation, chiefly for the sake of members of parliament. It has its officers of parade and dignity. It has its treasury too. It is a sort of corporate body; and formerly was a body of great importance; as much so on the then scale of things, and the then order of business, as the bank is at this day. It was the great centre of money transactions and remittances for our own, and for other nations; until king Charles the First, among other arbitrary projects, dictated by despotic necessity, made it withhold the money that lay there for remittance. That blow (and happily too) the mint never recovered. Now it is no bank; no remittance-shop. The mint, sir, is a *manufacture*, and it is nothing else; and it ought to be undertaken upon the principles of a manufacture; that is, for the best and cheapest execution, by a contract upon proper securities, and under proper regulations.

The *artillery* is a far greater object; it is a military concern; but having an affinity and kindred in its defects with the establishments I am now speaking of, I think it best to speak of it along with them. It is, I conceive, an establishment not well suited to its martial, though exceedingly well calculated for its parliamentary purposes. Here there is a *treasury*, as in all the other inferior departments of government. Here the military is subordinate to the civil, and the naval confounded with the land service. The object indeed is much the same in both. But when the detail is examined, it will be found that they had better be separated. For a reform of this office, I propose to restore things to what (all considerations taken together) is their natural order; to restore them to their just proportion, and to their just distribution. I propose, in this military concern, to render the civil subordinate to the military; and this will annihilate the greatest part of the expense, and all the influence belonging to the office. I propose to send the military branch to the army, and the naval to the admiralty: and I intend to perfect and accomplish the whole detail (where it becomes too minute and complicated for legislature, and requires exact, official, military, and mechanical knowledge,) by a commission of competent officers in both departments. I propose to execute by contract, what by contract can be executed; and to bring, as much as possible, all estimates to be previously approved, and finally to be paid by the treasury.

Thus, by following the course of nature, and not the purposes of politics, or the accumulated patch-work of occasional accommodation, this vast expensive department may be methodized; its service proportioned to its necessities, and its payments subjected to the inspection of the superior minister of finance; who is to judge of it on the result of the total collective exigences of the state. This last is a reigning principle through my whole plan; and it is a principle which I hope may hereafter be applied to other plans.

By these regulations taken together—besides the three subordinate treasuries in the lesser principalities, five other

subordinate treasuries are suppressed. There is taken away the whole *establishment of detail* in the household; the *treasurer*;—the *comptroller* (for a comptroller is hardly necessary where there is no treasurer);—the *cofferer of the household*;—the *treasurer of the chamber*;—the *master of the household*;—the whole *board of green cloth*;—and a vast number of subordinate offices in the department of the *steward of the household*;—the whole establishment of the *great wardrobe*;—the *removing wardrobe*;—the *jewel office*;—the *robes*;—the *board of works*;—almost the whole charge of the *civil branch* of the *board of ordnance* are taken away. All these arrangements together will be found to relieve the nation from a vast weight of influence, without distressing, but rather by forwarding every public service. When something of this kind is done, then the public may begin to breathe. Under other governments, a question of expense is only a question of economy, and it is nothing more; with us in every question of expense, there is always a mixture of constitutional considerations.

It is, sir, because I wish to keep this business of subordinate treasuries as much as I can together, that I brought the *ordnance-office* before you, though it is properly a military department. For the same reason I will now trouble you with my thoughts and propositions upon two of the greatest *under treasuries*, I mean the office of *paymaster of the land forces*, or *treasurer of the army*; and that of the *treasurer of the navy*. The former of these has long been a great object of public suspicion and uneasiness. Envy too has had its share in the obloquy which is cast upon this office. But I am sure that it has no share at all in the reflections I shall make upon it, or in the reformations that I shall propose. I do not grudge to the honorable gentleman who at present holds the office, any of the effects of his talents, his merit, or his fortune. He is respectable in all these particulars. I follow the constitution of the office without persecuting its holder. It is necessary in all matters of public complaint, where men frequently feel right and argue wrong, to separate prejudice from reason; and

to be very sure, in attempting the redress of a grievance, that we hit upon its real seat, and its true nature. Where there is an abuse in office, the first thing that occurs in heat is to censure the officer. Our natural disposition leads all our inquiries rather to persons than to things. But this prejudice is to be corrected by maturer thinking.

Sir, the profits of the *pay-office* (as an office) are not too great, in my opinion, for its duties, and for the rank of the person who has generally held it. He has been generally a person of the highest rank; that is to say, a person of eminence and consideration in this house. The great and the invidious profits of the pay-office are from the *bank* that is held in it. According to the present course of the office, and according to the present mode of accounting there, this bank must necessarily exist somewhere. Money is a productive thing; and when the usual time of its demand can be tolerably calculated, it may, with prudence, be safely laid out to the profit of the holder. It is on this calculation that the business of banking proceeds. But no profit can be derived from the use of money, which does not make it the interest of the holder to delay his account. The process of the exchequer colludes with this interest. Is this collusion from its want of rigor and strictness, and great regularity of form? The reverse is true. They have in the exchequer brought rigor and formalism to their ultimate perfection. The process against accountants is so rigorous, and in a manner so unjust, that correctives must, from time to time, be applied to it. These correctives being discretionary, upon the case, and generally remitted by the barons to the lords of the treasury, as the best judges of the reasons for respite; hearings are had; delays are produced; and thus the extreme of rigor in office (as usual in all human affairs) leads to the extreme of laxity. What with the interested delay of the officer; the ill-conceived exactness of the court; the applications for dispensations from that exactness; the revival of rigorous process, after the expiration of the time; and the new rigors producing new applications, and new enlargements of time, such delays happen in the public accounts, that they can scarcely ever be closed.

Besides, sir, they have a rule in the exchequer, which, I believe, they have founded upon a very ancient statute, that of the 51st of Henry III., by which it is provided, "That when a sheriff or a bailiff hath began his account, none other shall be received to account until he that was first appointed hath clearly accounted, and that the sum has been received."* Whether this clause of that statute be the ground of that absurd practice, I am not quite able to ascertain. But it has very generally prevailed, though I am told that of late they have began to relax from it. In consequence of forms adverse to substantial account, we have a long succession of paymasters and their representatives, who have never been admitted to account, although perfectly ready to do so.

As the extent of our wars has scattered the accountants under the paymaster into every part of the globe, the grand and sure paymaster, Death, in all his shapes, calls these accountants to another reckoning. Death, indeed, domineers over every thing, but the forms of the exchequer. Over these he has no power. They are impassive and immortal. The audit of the exchequer, more severe than the audit to which the accountants are gone, demands proofs which in the nature of things are difficult, sometimes impossible to be had. In this respect, too, rigor, as usual, defeats itself. Then, the exchequer never gives a particular receipt, or clears a man of his account, as far as it goes. A final acquittance (or a *quietus*, as they term it,) is scarcely ever to be obtained. Terrors and ghosts of unlaid accountants, haunt the houses of their children from generation to generation. Families, in the course of succession, fall into minorities; the inheritance comes into the hands of females; and very perplexed affairs are often delivered over into the hands of negligent guardians and faithless stewards. So that the demand remains, when the advantage of the money is gone, if ever any advantage at all has been made of it. This is a cause of infinite distress to

* Et quant viscount ou bailiff ait commence de accompter, nul autre ne seit resceu de acconter tanque le primer que soit assis eit peraccompte, et que la somme soit resceu. Stat. 5. ann. dom. 1966.

families; and becomes a source of influence to an extent, that can scarcely be imagined, but by those who have taken some pains to trace it. The mildness of government in the employment of useless and dangerous powers, furnishes no reason for their continuance.

As things stand, can you in justice (except perhaps in that over-perfect kind of justice which has obtained, by its merits, the title of the opposite vice*) insist that any man should, by the course of his office, keep a *bank* from whence he is to derive no advantage? That a man should be subject to demands below, and be in a manner refused an acquittance above; that he should transmit an original sin, and inheritance of vexation to his posterity, without a power of compensating himself in some way or other, for so perilous a situation? We know, that if the paymaster should deny himself the advantages of his bank, the public, as things stand, is not the richer for it by a single shilling. This I thought it necessary to say, as to the offensive magnitude of the profits of this office; that we may proceed in reformation, on the principles of reason, and not on the feelings of envy.

The treasurer of the navy is, *mutatis, mutandis*, in the same circumstances. Indeed all accountants are. Instead of the present mode, which is troublesome to the officer and unprofitable to the public, I propose to substitute something more effectual than rigor, which is the worst exactor in the world. I mean to remove the very temptations to delay: to facilitate the account; and to transfer this bank, now of private emolument, to the public. The crown will suffer no wrong at least from the pay-offices; and its terrors will no longer reign over the families of those who hold, or have held them. I propose that these offices should be no longer *banks* or *treasuries*, but mere *offices of administration*. I propose, first, that the present paymaster and the treasurer of the navy, should carry into the exchequer, the whole body of the vouchers for what they have paid over to the deputy paymasters, to regimental

* Summum jus summa injuria.

agents, or to any of those to whom they have and ought to have paid money. I propose that those vouchers shall be admitted as actual payments in their accounts; and that the persons to whom the money has been paid, shall then stand charged in the exchequer in their place. After this process, they shall be debited or charged for nothing but the money-balance that remains in their hands.

I am conscious, sir, that if this balance (which they could not expect to be so suddenly demanded by any usual process of the exchequer) should now be exacted all at once, not only their ruin, but a ruin of others to an extent which I do not like to think of, but which I can well conceive, and which you may well conceive, might be the consequence. I told you, sir, when I promised before the holydays to bring in this plan, that I never would suffer any man or description of men, to suffer from errors that naturally have grown out of the abusive constitution of those offices which I propose to regulate. If I cannot reform with equity, I will not reform at all.

For the regulation of past accounts, I shall therefore propose such a mode, as men, temperate and prudent, make use of in the management of their private affairs, when their accounts are various, perplexed, and of long standing. I would therefore, after their example, divide the public debts into three sorts; good, bad, and doubtful. In looking over the public accounts, I should never dream of the blind mode of the exchequer, which regards things in the abstract, and knows no difference in the quality of its debts, or the circumstances of its debtors. By this means, it fatigues itself; it vexes others; it often crushes the poor; it lets escape the rich; or in a fit of mercy or carelessness, declines all means of recovering its just demands. Content with the eternity of its claims, it enjoys its epicurean divinity with epicurean languor. But it is proper that all sorts of accounts should be closed some time or other—by payment; by composition; or by oblivion. *Expedit reipublicæ ut sit finis litium.* Constantly taking along with me, that an extreme rigor is sure to arm every thing against it, and at length to relax into a

supine neglect, I suppose, sir, that even the best, soundest, and the most recent debts, should be put into instalments, for the mutual benefit of the accountant and the public.

In proportion, however, as I am tender of the past, I would be provident of the future. All money that was formerly imprested to the two great *pay-offices*, I would have imprested in future to the *bank of England*. These offices should in future, receive no more than cash sufficient for small payments. Their other payments ought to be made by draughts on the bank, expressing the service. A check account from both offices, of drafts and receipts, should be annually made up in the exchequer, charging the bank in account, with the cash-balance, but not demanding the payment until there is an order from the treasury, in consequence of a vote of parliament.

As I did not, sir, deny to the paymaster the natural profits of the bank that was in his hands, so neither would I to the bank of England. A share of that profit might be derived to the public in various ways. My favorite mode is this; that, in compensation for the use of this money, the bank may take upon themselves, first *the charge of the mint;* to which they are already, by their charter, obliged to bring in a great deal of bullion annually to be coined.

In the next place, I mean that they should take upon themselves the charge of *remittances to our troops abroad*. This is a species of dealing from which, by the same charter, they are not debarred. One and a quarter *per cent.* will be saved instantly thereby to the public, on very large sums of money. This will be at once a matter of economy, and a considerable reduction of influence, by taking away a private contract of an expensive nature. If the bank, which is a great corporation, and of course receives the least profits from the money in their custody, should of itself refuse, or be persuaded to refuse this offer upon those terms, I can speak with some confidence, that one at least, if not both parts of the condition would be received, and gratefully received, by several bankers of eminence. There is no banker who will

not be at least as good security as any paymaster of the forces, or any treasurer of the navy, that have ever been bankers to the public: as rich at least as my lord Chatham, or my lord Holland, or either of the honorable gentlemen who now hold the offices, were at the time that they entered into them; or as ever the whole establishment of the *mint* has been at any period.

These, sir, are the outlines of the plan I mean to follow, in suppressing these two large subordinate treasuries. I now come to another subordinate treasury; I mean, that of the *paymaster of the pensions;* for which purpose I re-enter the limits of the civil establishment—I departed from those limits in pursuit of a principle; and following the same game in its doubles, I am brought into those limits again. That treasury, and that office, I mean to take away; and to transfer the payment of every name, mode, and denomination of pensions, to the *exchequer.* The present course of diversifying the same object, can answer no good purpose; whatever its use may be to purposes of another kind. There are also other lists of pensions; and I mean that they should all be hereafter paid at one and the same place. The whole of the new consolidated list I mean to reduce to £60,000 a year, which sum I intend it shall never exceed. I think that sum will fully answer as a reward for all real merit, and a provision for all real public charity that is ever like to be placed upon the list. If any merit of an extraordinary nature should emerge, before that reduction is completed, I have left it open for an address of either house of parliament to provide for the case. To all other demands, it must be answered, with regret, but with firmness, "the public is poor."

I do not propose, as I told you before Christmas, to take away any pension. I know, that the public seem to call for a reduction of such of them as shall appear unmerited. As a censorial act, and punishment of an abuse, it might answer some purpose. But this can make no part of *my* plan. I mean to proceed by bill; and I cannot stop for such an inquiry. I know some gentlemen may blame me. It is with great sub-

mission to better judgments that I recommend it to consideration; that a critical retrospective examination of the pension list, upon the principle of merit, can never serve for my basis. It cannot answer, according to my plan, any effectual purpose of economy, or of future permanent reformation. The process in any way will be entangled and difficult; and it will be infinitely slow: there is a danger that if we turn our line of march, now directed towards the grand object, into this more laborious than useful detail of operations, we shall never arrive at our end.

The king, sir, has been by the constitution appointed sole judge of the merit for which a pension is to be given. We have a right undoubtedly, to canvass this, as we have to canvass every act of government. But there is a material difference between an office to be reformed, and a pension taken away for demerit. In the former case, no charge is implied against the holder; in the latter, his character is slurred, as well as his lawful emolument affected. The former process is against the thing; the second against the person. The pensioner certainly, if he pleases, has a right to stand on his own defence; to plead his possession; and to bottom his title in the competency of the crown to give him what he holds. Possessed, and on the defensive as he is, he will not be obliged to prove his special merit, in order to justify the act of legal discretion, now turned into his property, according to his tenure. The very act, he will contend, is a legal presumption, and an implication of his merit. If this be so, from the natural force of all legal presumption, he would put us to the difficult proof, that he has no merit at all. But other questions would arise in the course of such an inquiry; that is, questions of the merit when weighed against the proportion of the reward; then the difficulty will be much greater.

The difficulty will not, sir, I am afraid, be much less, if we pass to the person really guilty, in the question of an unmerited pension; the minister himself. I admit that when called to account for the execution of a trust, he might fairly

be obliged to prove the affirmative; and to state the merit for which the pension is given; though on the pensioner himself, such a process would be hard. If in this examination we proceed methodically, and so as to avoid all suspicion of partiality and prejudice, we must take the pensions in order of time, or merely alphabetically. The very first pension to which we come in either of these ways, may appear the most grossly unmerited of any. But the minister may very possibly shew, that he knows nothing of the putting on this pension—that it was prior in time to his administration—that the minister who laid it on is dead; and then we are thrown back upon the pensioner himself, and plunged into all our former difficulties. Abuses, and gross ones, I doubt not, would appear; and to the correction of which I would readily give my hand; but, when I consider that pensions have not generally been affected by the revolutions of ministry; as I know not where such inquiries would stop, and as an absence of merit is a negative and loose thing, one might be led to derange the order of families, founded on the probable continuance of their kind of income. I might hurt children; I might injure creditors. I really think it the more prudent course, not to follow the letter of the petitions. If we fix this mode of inquiry as a basis, we shall, I fear, end, as parliament has often ended under similar circumstances. There will be great delay; much confusion; much inequality in our proceedings. But what presses me most of all is this; that though we should strike off all the unmerited pensions, while the power of the crown remains unlimited, the very same undeserving persons might afterwards return to the very same list: or if they did not, other persons meriting as little as they do, might be put upon it to an undefinable amount. This I think is the pinch of the grievance.

For these reasons, sir, I am obliged to wave this mode of proceeding as any part of my plan. In a plan of reformation, it would be one of my maxims, that when I know of an establishment, which may be subservient to useful purposes, and which, at the same time, from its discretionary nature, is

liable to a very great perversion from those purposes, *I would limit the quantity of the power that might be so abused.* For I am sure, that in all such cases, the rewards of merit will have very narrow bounds; and that partial or corrupt favor will be infinite. This principle is not arbitrary; but the limitation of the specific quantity must be so in some measure. I therefore state £60,000, leaving it open to the house to enlarge or contract the sum as they shall see, on examination, that the discretion I use is scanty or liberal. The whole amount of the pensions of all denominations, which have been laid before us, amount, for a period of seven years, to considerably more than £100,000 a year. To what the other lists amount, I know not. That will be seen hereafter. But from those that do appear, a saving will accrue to the public, at one time or other, of £40,000 a year, and we had better in my opinion to let it fall in naturally, than to tear it crude and unripe from the stalk.*

There is a great deal of uneasiness among the people, upon an article which I must class under the head of pensions. I mean the *great patent offices in the exchequer.* They are in reality and substance no other than pensions, and in no other light shall I consider them. They are sinecures. They are always executed by deputy. The duty of the principal is as nothing. They differ however from the pensions on the list, in some particulars. They are held for life. I think, with the public, that the profits of those places are grown enormous; the magnitude of those profits, and the nature of them, both call for reformation. The nature of their profits, which grow out of the public distress, is itself invidious and grievous. But I fear that reform cannot be immediate. I find myself under a restriction. These places, and others of the same kind,

* It was supposed by the lord advocate, in a subsequent debate, that Mr. Burke, because he objected to an inquiry into the pension list for the purpose of economy and relief of the public, would have it withheld from the judgment of parliament for all purposes whatsoever. This learned gentleman certainly misunderstood him. His plan shews that he wished the whole list to be easily accessible; and he knows that the public eye is of itself a great guard against abuse.

which are held for life, have been considered as property. They have been given as a provision for children; they have been the subject of family settlements; they have been the security of creditors. What the law respects shall be sacred to me. If the barriers of law should be broken down, upon ideas of convenience, even of public convenience, we shall have no longer any thing certain among us. If the discretion of power is once let loose upon property, we can be at no loss to determine whose power, and what discretion it is that will prevail at last. It would be wise to attend upon the order of things; and not to attempt to outrun the slow, but smooth and even course of nature. There are occasions, I admit, of public necessity, so vast, so clear, so evident, that they supersede all laws. Law being only made for the benefit of the community, cannot in any one of its parts resist a demand which may comprehend the total of the public interest. To be sure, no law can set itself up against the cause and reason of all law. But such a case very rarely happens; and this most certainly is not such a case. The mere time of the reform is by no means worth the sacrifice of a principle of law. Individuals pass like shadows; but the commonwealth is fixed and stable. The difference, therefore, of to-day and to-morrow, which to private people is immense, to the state is nothing. At any rate, it is better, if possible, to reconcile our economy with our laws, than to set them at variance; a quarrel which in the end must be destructive to both.

My idea, therefore, is, to reduce those officers to fixed salaries, as the present lives and reversions shall successively fall. I mean, that the office of the great auditor (the auditor of the receipt) shall be reduced to £3,000 a year; and the auditors of the imprest, and the rest of the principal officers, to fixed appointments of £1,500 a year each. It will not be difficult to calculate the value of this fall of lives to the public, when we shall have obtained a just account of the present income of those places; and we shall obtain that account with great facility, if the present possessors are not alarmed with any apprehension of danger to their freehold office.

people. Many of the persons, who in all times have filled the great offices of state, have been younger brothers, who had originally little, if any fortune. These offices do not furnish the means of amassing wealth. There ought to be some power in the crown of granting pensions out of the reach of its own caprices. An entail of dependence is a bad reward of merit.

I would, therefore, leave to the crown the possibility of conferring some favors, which, whilst they are received as a reward, do not operate as corruption. When men receive obligations from the crown, through the pious hands of fathers, or of connections as venerable as the paternal, the dependences which arise from thence, are the obligations of gratitude, and not the fetters of servility. Such ties originate in virtue, and they promote it. They continue men in those habitudes of friendship, those political connections, and those political principles in which they began life. They are antidotes against corrupt levity, instead of causes of it. What an unseemly spectacle would it afford, what a disgrace would it be to the commonwealth that suffered such things, to see the hopeful son of a meritorious minister begging his bread at the door of that treasury, from whence his father dispensed the economy of an empire, and promoted the happiness and glory of his country? Why should he be obliged to prostrate his honor, and to submit his principles at the levee of some proud favorite, shouldered and thrust aside by every impudent pretender, on the very spot where a few days before he saw himself adored?—obliged to cringe to the author of the calamities of his house, and to kiss the hands that are red with his father's blood? No, sir, these things are unfit, they are intolerable.

Sir, I shall be asked, why I do not choose to destroy those offices which are pensions, and appoint pensions under the direct title in their stead? I allow that in some cases it leads to abuse; to have things appointed for one purpose, and applied to another. I have no great objection to such a change: but I do not think it quite prudent for me to propose

it. If I should take away the present establishment, the burthen of proof rests upon me, that so many pensions, and no more, and to such an amount each, and no more, are necessary for the public service. This is what I can never prove; for it is a thing incapable of definition. I do not like to take away an object that I think answers my purpose, in hopes of getting it back again in a better shape. People will bear an old establishment when its excess is corrected, who will revolt at a new one. I do not think these office-pensions to be more in number than sufficient: but on that point the house will exercise its discretion. As to abuse, I am convinced that very few trusts in the ordinary course of administration have admitted less abuse than this. Efficient ministers have been their own paymasters. It is true. But their very partiality has operated as a kind of justice; and still it was service that was paid. When we look over this exchequer list, we find it filled with the descendants of the Walpoles, of the Pelhams, of the Townshends; names to whom this country owes its liberties; and to whom his majesty owes his crown. It was in one of these lines, that the immense and envied employment he now holds, came to a certain duke,* who is now probably sitting quietly at a very good dinner directly under us, and acting *high life below stairs*, whilst we, his masters, are filling our mouths with unsubstantial sounds, and talking of hungry economy over his head. But he is the elder branch of an ancient and decayed house, joined to, and repaired by the reward of services done by another. I respect the original title, and the first purchase of merited wealth and honor through all its descents, through all its transfers, and all its assignments. May such fountains never be dried up! May they ever flow with their original purity, and refresh and fructify the commonwealth, for ages!

Sir, I think myself bound to give you my reasons as clearly, and as fully, for stopping in the course of reformation, as for proceeding in it. My limits are the rules of law; the rules of

* Duke of Newcastle, whose dining-room is under the house of commons.

policy; and the service of the state. This is the reason why I am not able to intermeddle with another article, which seems to be a specific object in several of the petitions; I mean the reduction of exorbitant emoluments to efficient offices. If I knew of any real efficient office, which did possess exorbitant emoluments, I should be extremely desirous of reducing them. Others may know of them. I do not. I am not possessed of an exact common measure between real service and its reward. I am very sure, that states do sometimes receive services, which is hardly in their power to reward according to their worth. If I were to give my judgment with regard to this country, I do not think the great efficient offices of the state to be overpaid. The service of the public is a thing which cannot be put to auction, and struck down to those who will agree to execute it the cheapest. When the proportion between reward and service is our object, we must always consider of what nature the service is, and what sort of men they are that must perform it. What is just payment for one kind of labor, and full encouragement for one kind of talents, is fraud and discouragement to others. Many of the great offices have much duty to do, and much expense of representation to maintain. A secretary of state, for instance, must not appear sordid in the eyes of the ministers of other nations; neither ought our ministers abroad to appear contemptible in the courts where they reside. In all offices of duty, there is, almost necessarily, a great neglect of all domestic affairs. A person in high office can rarely take a view of his family-house. If he sees that the state takes no detriment, the state must see that his affairs should take as little.

I will even go so far as to affirm, that if men were willing to serve in such situations without salary, they ought not to be permitted to do it. Ordinary service must be secured by the motives to ordinary integrity. I do not hesitate to say, that that state which lays its foundation in rare and heroic virtues, will be sure to have its superstructure in the basest profligacy and corruption. An honorable and fair profit is the best security against avarice and rapacity; as in all things

else, a lawful and regulated enjoyment is the best security against debauchery and excess. For as wealth is power, so all power will infallibly draw wealth to itself by some means or other; and when men are left no way of ascertaining their profits but by their means of obtaining them, those means will be increased to infinity. This is true in all the parts of administration, as well as in the whole. If any individual were to decline his appointments, it might give an unfair advantage to ostentatious ambition over unpretending service; it might breed invidious comparisons; it might tend to destroy whatever little unity and agreement may be found among ministers. And after all, when an ambitious man had run down his competitors by a fallacious shew of disinterestedness, and fixed himself in power by that means, what security is there that he would not change his course, and claim as an indemnity ten times more than he has given up?

This rule, like every other, may admit its exceptions. When a great man has some one great object in view to be achieved in a given time, it may be absolutely necessary for him to walk out of all the common roads, and if his fortune permits it, to hold himself out as a splendid example. I am told, that something of this kind is now doing in a country near us. But this is for a short race; the training for a heat or two, and not the proper preparation for the regular stages of a methodical journey. I am speaking of establishments, and not of men.

It may be expected, sir, that when I am giving my reasons why I limit myself in the reduction of employments, or of their profits, I should say something of those which seem of eminent inutility in the state; I mean the number of officers who by their places are attendant on the person of the king. Considering the commonwealth merely as such, and considering those officers only as relative to the direct purposes of the state, I admit that they are of no use at all. But there are many things in the constitution of establishments, which appear of little value on the first view, which, in a secondary and oblique manner, produce very material advantages. It

was on full consideration that I determined not to lessen any of the offices of honor about the crown, in their number, or their emoluments. These emoluments, except in one or two cases, do not much more than answer the charge of attendance. Men of condition naturally love to be about a court; and women of condition love it much more. But there is in all regular attendance, so much of constraint, that if it were a mere charge, without any compensation, you would soon have the court deserted by all the nobility of the kingdom.

Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company. They are so elevated above all the rest of mankind, that they must look upon all their subjects as on a level. They are rather apt to hate than to love their nobility, on account of the occasional resistance to their will, which will be made by their virtue, their petulance, or their pride. It must indeed be admitted, that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, and some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperors, almost from the beginning, threw themselves into such hands; and the mischief increased every day till the decline and final ruin of the empire. It is therefore of very great importance (provided the thing is not overdone) to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person, a great number of his first nobility; and it is rather an useful prejudice that gives them a pride in such a servitude. Though they are not much the better for a court, a court will be much the better for them. I have therefore not attempted to reform any of the offices of honor about the king's person.

There are, indeed, two offices in his stables which are sine-

cures. By the change of manners, and indeed by the nature of the thing, they must be so; I mean the several keepers of buck-hounds, stag-hounds, fox-hounds, and harriers. They answer no purpose of utility or of splendor. These I propose to abolish. It is not proper that great noblemen should be keepers of dogs, though they were the king's dogs. In every part of the scheme, I have endeavored that no primary, and that even no secondary service of the state, should suffer by its frugality. I mean to touch no offices but such as I am perfectly sure are either of no use at all, or not of any use in the least assignable proportion to the burthen with which they load the revenues of the kingdom, and to the influence with which they oppress the freedom of parliamentary deliberation; for which reason there are but two offices which are properly state offices, that I have a desire to reform.

The first of them is the new office of *third secretary of state*, which is commonly called *secretary of state for the colonies*.

We know that all the correspondence of the colonies had been, until within a few years, carried on by the southern secretary of state; and that this department has not been shunned upon account of the weight of its duties; but on the contrary, much sought, on account of its patronage. Indeed, he must be poorly acquainted with the history of office, who does not know how very lightly the American functions have always leaned on the shoulders of the ministerial *Atlas*, who has upheld that side of the sphere. Undoubtedly, great temper and judgment were requisite in the management of the colony politics; but the official detail was a trifle. Since the new appointment, a train of unfortunate accidents has brought before us almost the whole correspondence of this favorite secretary's office, since the first day of its establishment. I will say nothing of its auspicious foundation; of the quality of its correspondence; or of the effects that have ensued from it. I speak merely of its *quantity;* which we know would have been little or no addition to the trouble of whatever office had its hands the fullest. But what has been the real condition of the old office of secretary of state? Have their velvet

bags, and their red boxes, been so full, that nothing more could possibly be crammed into them?

A correspondence of a curious nature has been lately published.* In that correspondence, sir, we find the opinion of a noble person, who is thought to be the grand manufacturer of administrations; and therefore the best judge of the quality of his work. He was of opinion, that there was but one man of diligence and industry in the whole administration—it was the late earl of Suffolk. The noble lord lamented very justly, that this statesman, of so much mental vigor, was almost wholly disabled from the exertion of it, by his bodily infirmities. Lord Suffolk, dead to the state, long before he was dead to nature, at last paid his tribute to the common treasury to which we must all be taxed. But so little want was found even of his intentional industry, that the office, vacant in reality to its duties long before, continued vacant even in nomination and appointment for a year after his death. The whole of the laborious and arduous correspondence of this empire, rested solely upon the activity and energy of Lord Weymouth.

It is therefore demonstrable, since one diligent man was fully equal to the duties of the two offices, that two diligent men will be equal to the duty of three. The business of the new office which I shall propose to you to suppress, is by no means too much to be returned to either of the secretaries which remain. If this dust in the balance should be thought too heavy, it may be divided between them both; North America (whether free or reduced) to the northern secretary, the West Indies to the southern. It is not necessary that I should say more upon the inutility of this office. It is burning day-light. But before I have done, I shall just remark, that the history of this office is too recent to suffer us to forget, that it was made for the mere convenience of the arrangements of political intrigue, and not for the service of the state; that it was made, in order to give a color to an ex-

* Letters between Dr. Addington and Sir James Wright.

orbitant increase of the civil list; and in the same act to bring a new accession to the loaded compost heap of corrupt influence.

There is, sir, another office which was not long since closely connected with this of the American secretary; but has been lately separated from it for the very same purpose for which it had been conjoined; I mean the sole purpose of all the separations and all the conjunctions that have been lately made—a job. I speak, sir, of the *board of trade and plantations*. This board is a sort of temperate bed of influence; a sort of gently ripening hot-house, where eight members of parliament receive salaries of a thousand a year, for a certain given time, in order to mature at a proper season, a claim to two thousand, granted for doing less, and on the credit of having toiled so long in that inferior laborious department.

I have known that board, off and on, for a great number of years. Both of its pretended objects have been much the objects of my study, if I have a right to call any pursuits of mine by so respectable a name. I can assure the house, and I hope they will not think that I risk my little credit lightly, that, without meaning to convey the least reflection upon any one of its members past or present,—it is a board which, if not mischievous, is of no use at all.

You will be convinced, sir, that I am not mistaken, if you reflect how generally it is true, that commerce, the principal object of that office, flourishes most when it is left to itself. Interest, the great guide of commerce, is not a blind one. It is very well able to find its own way; and its necessities are its best laws. But if it were possible, in the nature of things, that the young should direct the old, and the inexperienced instruct the knowing; if a board in the state was the best tutor for the counting-house; if the desk ought to read lectures to the anvil, and the pen to usurp the place of the shuttle—yet in any matter of regulation, we know that board must act with as little authority as skill. The prerogative of the crown is utterly inadequate to the object; because all

regulations are, in their nature, restrictive of some liberty. In the reign, indeed, of *Charles the First*, the council, or committees of council, were never a moment unoccupied, with affairs of trade. But even where they had no ill intention (which was sometimes the case) trade and manufacture suffered infinitely from their injudicious tamperings. But since that period, whenever regulation is wanting (for I do not deny that sometimes it may be wanting) parliament constantly sits; and parliament alone is competent to such regulation. We want no instructions from boards of trade, or from any other board; and God forbid we should give the least attention to their reports. Parliamentary inquiry is the only mode of obtaining parliamentary information. There is more real knowledge to be obtained, by attending the detail of business in the committees above stairs, than ever did come, or ever will come from any board in this kingdom, or from all of them together. An assiduous member of parliament will not be the worse instructed there, for not being paid a thousand a year for learning his lesson. And now that I speak of the committees above stairs, I must say, that having till lately attended them a good deal, I have observed that no description of members give so little attendance, either to communicate, or to obtain instruction upon matters of commerce, as the honorable members of the grave board of trade. I really do not recollect that I have ever seen one of them in that sort of business. Possibly some members may have better memories; and may call to mind some job that may have accidentally brought one or other of them, at one time or other, to attend a matter of commerce.

This board, sir, has had both its original formation, and its regeneration, in a job. In a job it was conceived, and in a job its mother brought it forth. It made one among those showy and specious impositions, which one of the experiment-making administrations of *Charles the Second* held out to delude the people, and to be substituted in the place of the real service which they might expect from a parliament annually sitting. It was intended, also to corrupt that body whenever

it should be permitted to sit. It was projected in the year [illegible], and it continued in a tottering and sickly childhood for about three or four years, for it died in the year 1673, a babe of an little hopes as ever swelled the bills of mortality in the article of convulsed or over-laid children, who have hastily stepped over the threshold of life.

It was buried with little ceremony; and never more thought of, until the reign of King William, when in the strange vicissitude of neglect and vigor of good and ill success that attended his wars, in the year 1696, the trade was distressed beyond all example of former sufferings, by the piracies of the French cruizers. This suffering increased, and, as it should seem, very justly increased, the house of commons. In this ferment they struck, not only at the administration, but at the very constitution of the executive government. They attempted to form in parliament a board for the protection of trade; which, as they planned it, was to draw to itself a great part, if not the whole, of the functions and powers, both of the admiralty, and of the treasury: and thus, by a parliamentary delegation of office and officers, they threatened absolutely to separate these departments from the whole system of the executive government, and of course to vest the most leading and essential of its attributes in this board. As the executive government was in a manner convicted of a dereliction of its functions, it was with infinite difficulty, that this blow was warded off in that session. There was a threat to renew the same in the next. To prevent the effect of this manœuvre, the court opposed another manœuvre to it; and in the year 1696, called into life this board of trade, which had slept since 1673.

This, in a few words, is the history of the regeneration of the board of trade. It has perfectly answered its purposes. It was intended to quiet the minds of the people, and to compose the ferment that was then strongly working in parliament. The courtiers were too happy to be able to substitute a board, which they knew would be useless, in the place of one that they feared would be dangerous. Thus the board of

trade was reproduced in a job; and perhaps it is the only instance of a public body, which has never degenerated; but to this hour preserves all the health and vigor of its primitive institution.

This board of trade and plantations has not been of any use to the colonies, as colonies; so little of use, that the flourishing settlements of New England, of Virginia, and of Maryland, and all our wealthy colonies in the West Indies, were of a date prior to the first board of Charles the Second. Pennsylvania and Carolina were settled during its dark quarter, in the interval between the extinction of the first, and the formation of the second board. Two colonies alone owe their origin to that board. Georgia, which, till lately, has made a very slow progress; and never did make any progress at all, until it wholly got rid of all the regulations which the board of trade had moulded into its original constitution. That colony has cost the nation very great sums of money; whereas the colonies which have had the fortune of not being godfathered by the board of trade, never cost the nation a shilling, except what has been so properly spent in losing them. But the colony of Georgia, weak as it was, carried with it to the last hour, and carries, even in its present dead pallid visage, the perfect resemblance of its parents. It always had, and it now has, an *establishment* paid by the public of England, for the sake of the influence of the crown; that colony having never been able or willing to take upon itself the expense of its proper government, or its own appropriated jobs.

The province of Nova Scotia was the youngest and the favorite child of the board. Good God! What sums the nursing of that ill-thriven, hard-visaged, and ill-favored brat, has cost to this wittol nation! Sir, this colony has stood us in a sum of not less than seven hundred thousand pounds. To this day it has made no repayment. It does not even support those offices of expense, which are miscalled its government; the whole of that job still lies upon the patient, callous shoulders of the people of England.

Sir, I am going to state a fact to you, that will serve to set

in full sunshine the real value of formality and official superintendence. There was in the province of Nova Scotia, one little neglected corner, the country of the *neutral French;* which having the good fortune to escape the fostering care of both France and England, and to have been shut out from the protection and regulation of councils of commerce, and of boards of trade, did, in silence, without notice, and without assistance, increase to a considerable degree. But it seems our nation had more skill and ability in destroying, than in settling a colony. In the last war we did, in my opinion, most inhumanly, and upon pretences that in the eye of an honest man are not worth a farthing, root out this poor innocent deserving people, whom our utter inability to govern, or to reconcile, gave us no sort of right to extirpate. Whatever the merits of that extirpation might have been, it was on the footsteps of a neglected people, it was on the fund of unconstrained poverty, it was on the acquisitions of unregulated industry, that any thing which deserves the name of a colony in that province, has been formed. It has been formed by overflowings from the exuberant population of New England, and by emigration from other parts of Nova Scotia of fugitives from the protection of the board of trade.

But if all of these things were not more than sufficient to prove to you the inutility of that expensive establishment, I will desire you to recollect, sir, that those who may be very ready to defend it, are very cautious how they employ it; cautious how they employ it even in appearance and pretence. They are afraid they should lose the benefit of its influence in parliament, if they seemed to keep it up for any other purpose. If ever there were commercial points of great weight, and most closely connected with our dependencies, they are those which have been agitated and decided in parliament since I came into it. Which of the innumerable regulations since made had their origin or their improvement in the board of trade? Did any of the several East India bills which have been successively produced since 1767, originate there? Did any one dream of referring them, or any part of

them thither? Was any body so ridiculous as even to think of it? If ever there was an occasion on which the board was fit to be consulted, it was with regard to the acts that were preludes to the American war, or attendant on its commencement: those acts were full of commercial regulations, such as they were;—the intercourse bill; the prohibitory bill; the fishery bill. If the board was not concerned in such things, in what particular was it thought fit that it should be concerned? In the course of all these bills through the house, I observed the members of that board to be remarkably cautious of intermeddling. They understood decorum better; they know that matters of trade and plantations are no business of theirs.

There were two very recent occasions, which, if the idea of any use for the board had not been extinguished by prescription, appeared loudly to call for their interference.

When commissioners were sent to pay his majesty's and our dutiful respects to the congress of the United States, a part of their powers under the commission were, it seems, of a commercial nature. They were authorized in the most ample and undefined manner, to form a commercial treaty with America on the spot. This was no trivial object. As the formation of such a treaty would necessarily have been no less than the breaking up of our whole commercial system, and the giving it an entire new form; one would imagine, that the board of trade would have sat day and night, to model propositions, which, on our side, might serve as a basis to that treaty. No such thing. Their learned leisure was not in the least interrupted, though one of the members of the board was a commissioner, and might, in mere compliment to his office, have been supposed to make a show of deliberation on the subject. But he knew that his colleagues would have thought he laughed in their faces, had he attempted to bring any thing the most distantly relating to commerce or colonies before *them*. A noble person, engaged in the same commission, and sent to learn his commercial rudiments in New York, (then under the operation of an act

opinion of the ministers, and even on their own opinion of their inutility, that I shall propose to you to *suppress the board of trade and plantations;* and to recommit all its business to the council from whence it was very improvidently taken; and which business (whatever it might be) was much better done, and without any expense; and indeed where in effect it may all come at last. Almost all that deserves the name of business there, is the reference of the plantation acts to the opinion of gentlemen of the law. But all this may be done, as the Irish business of the same nature has always been done, by the council, and with a reference to the attorney and solicitor general.

There are some regulations in the household, relative to the officers of the yeomen of the guards, and the officers and band of gentlemen pensioners, which I shall likewise submit to your consideration, for the purpose of regulating establishments, which at present are much abused.

I have now finished all, that for the present I shall trouble you with on the *plan of reduction.* I mean next to propose to you the *plan of arrangement*, by which I mean to appropriate and fix the civil list money to its several services according to their nature; for I am thoroughly sensible, that if a discretion, wholly arbitrary can be exercised over the civil list revenue, although the most effectual methods may be taken to prevent the inferior departments from exceeding their bounds, the plan of reformation will still be left very imperfect. It will not, in my opinion, be safe to permit an entirely arbitrary discretion even in the first lord of the treasury himself; it will not be safe to leave with him a power of diverting the public money from its proper objects, of paying it in an irregular course, or of inverting perhaps the order of time, dictated by the proportion of value, which ought to regulate his application of payment to service.

I am sensible too, that the very operation of a plan of economy which tends to exonerate the civil list of expensive establishments, may in some sort defeat the capital end we have in view, the independence of parliament; and that in

removing the public and ostensible means of influence, we may increase the fund of private corruption. I have thought of some methods to prevent an abuse of surplus cash under discretionary application; I mean the heads of *secret service*, *special service*, *various payments*, and the like; which I hope, will answer, and which in due time I shall lay before you. Where I am unable to limit the quantity of the sums to be applied, by reason of the uncertain quantity of the service, I endeavor to confine it to its *line;* to secure an indefinite application to the definite service to which it belongs; not to stop the progress of expense in its line, but to confine it to that line in which it professes to move.

But that part of my plan, sir, upon which I principally rest, that, on which I rely for the purpose of binding up and securing the whole, is to establish a fixed and invariable order in all its payments, which it shall not be permitted to the first lord of the treasury, upon any pretence whatsoever, to depart from. I therefore divide the civil list payment into *nine* classes, putting each class forward according to the importance or justice of the demand, and to the inability of the persons entitled to enforce their pretensions; that is, to put those first who have the most efficient offices, or claim the justest debts; and, at the same time, from the character of that description of men, from the retiredness or the remoteness of their situation, or from their want of weight and power to enforce their pretensions, or from their being entirely subject to the power of a minister, without any reciprocal power of aweing, ought to be the most considered, and are the most likely to be neglected; all these I place in the highest classes: I place in the lowest those whose functions are of the least importance, but whose persons or rank are often of the greatest power and influence.

In the first class I place the *judges*, as of the first importance. It is the public justice that holds the community together; the ease, therefore, and independence of the judges, ought to supersede all other considerations, and they ought to be the very last to feel the necessities of the state, or to be

obliged either to court or bully a minister for their right: they ought to be as *weak solicitors on their own demands*, as strenuous asserters of the rights and liberties of others. The judges are, or ought to be, of a *reserved* and retired character, and wholly unconnected with the political world.

In the second class, I place the foreign ministers. The judges are the links of our connections with one another; the foreign ministers are the links of our connection with other nations. They are not upon the spot to demand payment, and are therefore the most likely to be, as in fact they have sometimes been, entirely neglected, to the great disgrace, and perhaps the great detriment of the nation.

In the third class, I would bring all the tradesmen who supply the crown by contract, or otherwise.

In the fourth class, I place all the domestic servants of the king, and all persons in efficient offices, whose salaries do not exceed two hundred pounds a year.

In the fifth, upon account of honor, which ought to give place to nothing but charity and rigid justice, I would place the pensions and allowances of his majesty's royal family, comprehending of course the queen, together with the stated allowance of the privy purse.

In the sixth class, I place those efficient offices of duty, whose salaries may exceed the sum of two hundred pounds a year.

In the seventh class, that mixed mass the whole pension list.

In the eighth, the offices of honor about the king.

In the ninth, and the last of all, the salaries and pensions of the first lord of the treasury himself, the chancellor of the exchequer, and the other commissioners of the treasury.

If by any possible mismanagement of that part of the revenue which is left at discretion, or by any other mode of prodigality, cash should be deficient for the payment of the lowest classes, I propose, that the amount of those salaries where the deficiency may happen to fall, shall not be carried as debt to the account of the succeeding year, but that it shall be

entirely lapsed, sunk and lost; so that government will be enabled to start in the race of every new year, wholly unloaded, fresh in wind and in vigor. Hereafter no civil list debt can ever come upon the public. And those who do not consider this as saving, because it is not a certain sum, do not ground their calculations of the future on their experience of the past.

I know of no mode of preserving the effectual execution of any duty, but to make it the direct interest of the executive officer that it shall be faithfully performed. Assuming, then, that the present vast allowance to the civil list is perfectly adequate to all its purposes, if there should be any failure, it must be from the mismanagement or neglect of the first commissioner of the treasury; since, upon the proposed plan, there can be no expense of any consequence, which he is not himself previously to authorize and finally to control. It is therefore just, as well as politic, that the loss should attach upon the delinquency.

If the failure from the delinquency should be very considerable, it will fall on the class directly above the first lord of the treasury, as well as upon himself and his board. It will fall, as it ought to fall, upon offices of no primary importance in the state; but then it will fall upon persons, whom it will be a matter of no slight importance for a minister to provoke; it will fall upon persons of the first rank and consequence in the kingdom; upon those who are nearest to the king, and frequently have a more interior credit with him than the minister himself. It will fall upon masters of the horse, upon lord chamberlains, upon lord stewards, upon grooms of the stole, and lords of the bed-chamber. The household troops form an army, who will be ready to mutiny for want of pay, and whose mutiny will be *really* dreadful to a commander in chief. A rebellion of the thirteen lords of the bed-chamber would be far more terrible to a minister, and would probably affect his power more to the quick, than a revolt of thirteen colonies. What an uproar such an event would create at court! What *petitions*, and *committees*, and *associations*, would

it not produce! Bless me! what a clattering of white sticks and yellow sticks would be about his head—what a storm of gold keys would fly about the ears of the minister—what a shower of Georges, and Thistles, and medals, and collars of S.S. would assail him at his first entrance into the anti-chamber, after an insolvent Christmas quarter. A tumult which could not be appeased by all the harmony of the new year's ode. Rebellion it is certain there would be; and rebellion may not now indeed be so critical an event to those who engage in it, since its price is so correctly ascertained at just a thousand pounds.

Sir, this classing, in my opinion, is a serious and solid security for the performance of a minister's duty. Lord Coke says, that the staff was put into the treasurer's hand to enable him to support himself when there was no money in the exchequer, and to beat away importunate solicitors. The method, which I propose, would hinder him from the necessity of such a broken staff to lean on, or such a miserable weapon for repulsing the demands of worthless suitors, who, the noble lord in the blue ribbon knows, will bear many hard blows on the head, and many other indignities, before they are driven from the treasury. In this plan, he is furnished with an answer to all their importunity; an answer far more conclusive, than if he had knocked them down with his staff: "Sir, (or my lord) you are calling for my own salary—sir, you are calling for the appointments of my colleagues who sit about me in office—sir, you are going to excite a mutiny at court against me—you are going to estrange his majesty's confidence from me, through the chamberlain, or the master of the horse, or the groom of the stole."

As things now stand, every man in proportion to his consequence at court, tends to add to the expenses of the civil list, by all manner of jobs, if not for himself, yet for his dependents. When the new plan is established, those who are now suitors for jobs, will become the most strenuous opposers of them. They will have a common interest with the minister in public economy. Every class, as it stands low, will become security

for the payment of the preceding class; and thus the persons whose insignificant services defraud those that are useful, would then become interested in their payment. Then the powerful, instead of oppressing, would be obliged to support the weak; and idleness would become concerned in the reward of industry. The whole fabric of the civil economy would become compact and connected in all its parts; it would be formed into a well-organized body, where every member contributes to the support of the whole; and where even the lazy stomach secures the vigor of the active arm.

This plan, I really flatter myself, is laid, not in official formality, nor in airy speculation, but in real life, and in human nature, in what "comes home" (as Bacon says) "to the business and bosoms of men." You have now, sir, before you, the whole of my scheme, as far as I have digested it into a form, that might be in any respect worthy of your consideration. I intend to lay it before you in five bills.* The plan consists, indeed, of many parts, but they stand upon a few plain principles. It is a plan which takes nothing from the civil list without discharging it of a burthen equal to the sum carried to the public service. It weakens no one function necessary to government; but on the contrary, by appropriating supply to service, it gives it greater vigor. It provides the means of order and foresight to a minister of finance, which may always keep all the objects of his office, and their state, condition, and relations, distinctly before him. It brings forward accounts without hurrying and distressing the accountants; whilst it provides for public convenience, it regards private rights. It extinguishes secret corruption almost to the possibility of its existence. It destroys direct and visible influence equal to the offices of at least fifty members of parliament. Lastly, it prevents the provision for his majesty's children, from being diverted to the political purposes of his minister.

These are the points, on which I rely for the merit of the

* Titles of the bills read.

plan: I pursue economy in a secondary view, and only as it is connected with these great objects. I am persuaded, that even for supply, this scheme will be far from unfruitful, if it be executed to the extent I propose it. I think it will give to the public, at its periods, two or three hundred thousand pounds a year; if not, it will give them a system of economy, which is itself a great revenue. It gives me no little pride and satisfaction, to find that the principles of my proceedings are, in many respects, the very same with those which are now pursued in the plans of the French minister of finance. I am sure, that I lay before you a scheme easy and practicable in all its parts. I know it is common at once to applaud and to reject all attempts of this nature. I know it is common for men to say, that such and such things are perfectly right—very desirable; but that, unfortunately, they are not practicable. Oh! no, sir, no. Those things which are not practicable, are not desirable. There is nothing in the world really beneficial, that does not lie within the reach of an informed understanding, and a well-directed pursuit. There is nothing that God has judged good for us, that he has not given us the means to accomplish, both in the natural and the moral world. If we cry like children for the moon, like children we must cry on.

We must follow the nature of our affairs, and conform ourselves to our situation. If we do, our objects are plain and compassable. Why should we resolve to do nothing, because what I propose to you may not be the exact demand of the petition; when we are far from resolved to comply even with what evidently is so? Does this sort of chicanery become us? The people are the masters. They have only to express their wants at large and in gross. We are the expert artists; we are the skilful workmen, to shape their desires into perfect form, and to fit the utensil to the use. They are the sufferers, they tell the symptoms of the complaint; but we know the exact seat of the disease, and how to apply the remedy according to the rules of art. How shocking would it be to see us pervert our skill, into a sinister and servile dexterity,

for the purpose of evading our duty, and defrauding our employers, who are our natural lords, of the object of their just expectations. I think the whole not only practicable, but practicable in a very short time. If we are in earnest about it, and if we exert that industry, and those talents in forwarding the work, which I am afraid may be exerted in impeding it—I engage, that the whole may be put in complete execution within a year. For my own part, I have very little to recommend me for this or for any task, but a kind of earnest and anxious perseverance of mind, which, with all its good and all its evil effects, is moulded into my constitution. I faithfully engage to the house, if they choose to appoint me to any part in the execution of this work, which (when they have made it theirs by the improvements of their wisdom, will be worthy of the able assistance they may give me,) that by night and by day, in town, or in country, at the desk, or in the forest, I will, without regard to convenience, ease, or pleasure, devote myself to their service, not expecting or admitting any reward whatsoever. I owe to this country my labor, which is my all; and I owe to it ten times more industry, if ten times more I could exert. After all I shall be an unprofitable servant.

At the same time, if I am able, and if I shall be permitted, I will lend an humble helping hand to any other good work which is going on. I have not, sir, the frantic presumption to suppose, that this plan contains in it the whole of what the public has a right to expect, in the great work of reformation they call for. Indeed it falls infinitely short of it. It falls short, even of my own ideas. I have some thoughts not yet fully ripened, relative to a reform in the customs and excise, as well as in some other branches of financial administration. There are other things too, which form essential parts in a great plan for the purpose of restoring the independence of parliament. The contractor's bill of last year it is fit to revive; and I rejoice that it is in better hands than mine. The bill for suspending the votes of custom-house officers, brought into parliament several years ago, by one of our worthiest

and wisest members,* (would to God we could along with the plan revive the person who designed it.) But a man of very real integrity, honor, and ability will be found to take his place, and to carry his idea into full execution. You all see how necessary it is to review our military expenses for some years past, and, if possible, to bind up and close that bleeding artery of profusion: but that business also, I have reason to hope, will be undertaken by abilities that are fully adequate to it. Something must be devised (if possible) to check the ruinous expense of elections.

Sir, all or most of these things must be done. Every one must take his part.

If we should be able by dexterity or power, or intrigue, to disappoint the expectations of our constituents, what will it avail us? We shall never be strong or artful enough to parry, or to put by the irresistible demands of our situation. That situation calls upon us, and upon our constituents too, with a voice which *will* be heard. I am sure no man is more zealously attached than I am to the privileges of this house, particularly in regard to the exclusive management of money. The lords have no right to the disposition, in any sense, of the public purse; but they have gone further in self-denial† than our utmost jealousy could have required. A power of examining accounts, to censure, correct, and punish, we never, that I know of, have thought of denying to the house of lords. It is something more than a century since we voted that body useless; they have now voted themselves so. The whole hope of reformation is at length cast upon *us;* and let us not deceive the nation, which does us the honor to hope every thing from our virtue. If *all* the nation are not equally forward to press this duty upon us, yet be assured, that they will equally expect we should perform it. The respectful silence of those who wait upon your pleasure, ought to be as powerful with you, as the call of those

* W. Dowdeswell, Esq., chancellor of the exchequer, 1765.

† Rejection of Lord Shelburne's motion in the house of lords.

who require your service as their right. Some, without doors, affect to feel hurt for your dignity, because they suppose that menaces are held out to you. Justify their good opinion, by shewing that no menaces are necessary to stimulate you to your duty. But, sir, whilst we may sympathize with them, in one point, who sympathize with us in another, we ought to attend no less to those who approach us like men, and who, in the guise of petitioners, speak to us in the tone of a concealed authority. It is not wise to force them to speak out more plainly, what they plainly mean. But the petitioners are violent. Be it so. Those who are least anxious about your conduct, are not those that love you most. Moderate affection, and satiated enjoyment, are cold and respectful; but an ardent and injured passion is tempered up with wrath, and grief, and shame, and conscious worth, and the maddening sense of violated right. A jealous love lights his torch from the firebrands of the furies. They who call upon you to belong *wholly* to the people, are those who wish you to return to your *proper* home; to the sphere of your duty, to the post of your honor, to the mansion-house of all genuine, serene, and solid satisfaction. We have furnished to the people of England (indeed we have) some real cause of jealousy. Let us leave that sort of company which, if it does not destroy our innocence, pollutes our honor: let us free ourselves at once from every thing that can increase their suspicions, and inflame their just resentment: let us cast away from us, with a generous scorn, all the love-tokens and symbols that we have been vain and light enough to accept;—all the bracelets, and snuff-boxes, and miniature pictures, and hair devices, and all the other adulterous trinkets that are the pledges of our alienation, and the monuments of our shame. Let us return to our legitimate home, and all jars and all quarrels will be lost in embraces. Let the commons in parliament assembled, be one and the same thing with the commons at large. The distinctions that are made to separate us, are unnatural and wicked contrivances. Let us identify, let us incorporate ourselves with the people. Let us cut all the

cables and snap the chains which tie us to an unfaithful shore, and enter the friendly harbor, that shoots far out into the main its moles and jettees to receive us. "War with the world, and peace with our constituents." Be this our motto, and our principle. Then indeed, we shall be truly great. Respecting ourselves we shall be respected by the world. At present all is troubled and cloudy, and distracted, and full of anger and turbulence, both abroad and at home; but the air may be cleared by this storm, and light and fertility may follow it. Let us give a faithful pledge to the people that we honor, indeed, the crown; but that we *belong* to them; that we are their auxiliaries, and not their task-masters; the fellow-laborers in the same vineyard, not lording over their rights, but helpers of their joy: that to tax them is a grievance to ourselves, but to cut off from our enjoyments to forward theirs, is the highest gratification we are capable of receiving. I feel with comfort, that we are all warmed with these sentiments, and while we are thus warm, I wish we may go directly and with a cheerful heart to this salutary work.

Sir, I move for leave to bring in a bill, "For the better regulation of his majesty's civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the moneys saved thereby to the public service." *

Lord North stated, that there was a difference between this bill for regulating the establishments, and some of the others, as they affected the ancient patrimony of the crown; and therefore wished them to be postponed, till the king's consent could be obtained. This distinction was strongly controverted; but when it was insisted on as a point of decorum *only*, it was agreed to postpone them to another day. Accordingly, on the Monday following, viz. February 14, leave was given, on the motion of Mr. Burke, without opposition, to bring in

1st. "A bill for the sale of the forest and other crown lands,

* The motion was seconded by Mr. Fox.

rents, and hereditaments, with certain exceptions; *and for applying the produce thereof to the public service;* and for securing, ascertaining, and satisfying, *tenant-rights*, and common and other rights."

2d. "A bill for the more perfectly uniting to the crown the principality of Wales, and the county palatine of Chester, and for the more commodious administration of justice within the same; as also for abolishing certain offices now appertaining thereto; *for quieting dormant claims, ascertaining and securing tenant-rights;* and for the sale of all forest lands, and other lands, tenements, and hereditaments, held by his majesty in right of the said principality, or county palatine of Chester, *and for applying the produce thereof to the public service.*

3d. "A bill for uniting to the crown the duchy and county palatine of Lancaster; for the suppression of unnecessary offices now belonging thereto; for the *ascertainment and security of tenant and other rights;* and for the sale of all rents, lands, tenements, and hereditaments, and forests, within the said duchy and county palatine, or either of them; *and for applying the produce thereof to the public service."—And it was ordered that* Mr. Burke, Mr. Fox, Lord John Cavendish, Sir George Savile, Colonel Barrè, Mr. Thomas Townshend, Mr. Byng, Mr. Dunning, Sir Joseph Mawbey, Mr. Recorder of London, Sir Robert Clayton, Mr. Frederick Montagu, the Earl of Upper Ossory, Sir William Guise, and Mr. Gilbert, *do prepare and bring in the same.*

At the same time, Mr. Burke moved for leave to bring in—

4th. "A bill for uniting the duchy of Cornwall to the crown; for the suppression of certain unnecessary offices now belonging thereto; for the *ascertainment and security of tenant and other rights;* and for the sale of certain rents, lands, and tenements, within or belonging to the said duchy; *and for applying the produce thereof to the public service.*"

But some objections being made by the surveyor-general of the duchy concerning the rights of the prince of Wales, now in his minority, and Lord North remaining perfectly

silent, Mr. Burke, at length, though he strongly contended against the principle of the objection, consented to withdraw this last motion for the *present*, to be renewed upon an early occasion.

MR. BURKE'S SPEECH

AT

THE GUILDHALL, IN BRISTOL,

PREVIOUS TO

THE ELECTION IN THAT CITY,

RELATIVE TO HIS

PARLIAMENTARY CONDUCT.

1780.

SPEECH.

Mr. Mayor, and Gentlemen,

I am extremely pleased at the appearance of this large and respectable meeting. The steps I may be obliged to take will want the sanction of a considerable authority; and in explaining any thing which may appear doubtful in my public conduct, I must naturally desire a very full audience.

I have been backward to begin my canvass. The dissolution of the parliament was uncertain; and it did not become me, by an unseasonable importunity, to appear diffident of the fact of my six years' endeavors to please you. I had served the city of Bristol honorably; and the city of Bristol had no reason to think, that the means of honorable service to the public, were become indifferent to me.

I found on my arrival here, that three gentlemen had been long in eager pursuit of an object which but two of us can obtain. I found, that they had all met with encouragement. A contested election in such a city as this, is no light thing. I paused on the brink of the precipice. These three gentlemen, by various merits, and on various titles, I made no doubt were worthy of your favor. I shall never attempt to raise myself by depreciating the merits of my competitors. In the complexity and confusion of these cross pursuits, I wished to take the authentic public sense of my friends upon a business of so much delicacy. I wished to take your opinion along with me; that if I should give up the contest at the very beginning, my surrender of my post may not seem the effect of inconstancy, or timidity, or anger, or disgust, or indo-

lence, or any other temper unbecoming a man who has engaged in the public service. If, on the contrary, I should undertake the election, and fail of success, I was full as anxious, that it should be manifest to the whole world, that the peace of the city had not been broken by my rashness, presumption, or fond conceit of my own merit.

I am not come, by a false and counterfeit shew of deference to your judgment, to seduce it in my favor. I ask it seriously and unaffectedly. If you wish that I should retire, I shall not consider that advice as a censure upon my conduct, or an alteration in your sentiments; but as a rational submission to the circumstances of affairs. If, on the contrary, you should think it proper for me to proceed on my canvass, if you will risk the trouble on your part, I will risk it on mine. My pretensions are such as you cannot be ashamed of, whether they succeed or fail.

If you call upon me, I shall solicit the favor of the city upon manly ground. I come before you with the plain confidence of an honest servant in the equity of a candid and discerning master. I come to claim your approbation, not to amuse you with vain apologies, or with professions still more vain and senseless. I have lived too long to be served by apologies, or to stand in need of them. The part I have acted has been in open day; and to hold out to a conduct, which stands in that clear and steady light for all its good and all its evil, to hold out to that conduct the paltry winking tapers of excuses and promises—I never will do it. They may obscure it with their smoke; but they never can illumine sunshine by such a flame as theirs.

I am sensible that no endeavors have been left untried to injure me in your opinion. But the use of character is to be a shield against calumny. I could wish, undoubtedly (if idle wishes were not the most idle of all things) to make every part of my conduct agreeable to every one of my constituents. But in so great a city, and so greatly divided as this, it is weak to expect it.

In such a discordancy of sentiments, it is better to look to

the nature of things than to the humors of men. The very attempt towards pleasing every body, discovers a temper always flashy, and often false and insincere. Therefore, as I have proceeded strait onward in my conduct, so I will proceed in my account of those parts of it which have been most excepted to. But I must first beg leave just to hint to you, that we may suffer very great detriment by being open to every talker. It is not to be imagined, how much of service is lost from spirits full of activity, and full of energy, who are pressing, who are rushing forward, to great and capital objects, when you oblige them to be continually looking back. Whilst they are defending one service, they defraud you of an hundred. Applaud us when we run; console us when we fall; cheer us when we recover; but let us pass on—for God's sake, let us pass on.

Do you think, gentlemen, that every public act in the six years since I stood in this place before you—that all the arduous things which have been done in this eventful period, which has crowded into a few years' space the revolutions of an age, can be opened to you on their fair grounds in half an hour's conversation?

But it is no reason, because there is a bad mode of inquiry, that there should be no examination at all. Most certainly it is our duty to examine; it is our interest too. But it must be with discretion; with an attention to all the circumstances, and to all the motives; like sound judges, and not like caviling pettyfoggers and quibbling pleaders, prying into flaws and hunting for exceptions. Look, gentlemen, to the *whole tenor* of your member's conduct. Try whether his ambition or his avarice have justled him out of the strait line of duty; or whether that grand foe of the offices of active life, that master-vice in men of business, a degenerate and inglorious sloth, has made him flag and languish in his course? This is the object of our inquiry. If our member's conduct can bear this touch, mark it for sterling. He may have fallen into errors; he must have faults; but our error is greater, and our fault is radically ruinous to ourselves, if we do not bear,

if we do not even applaud, the whole compound and mixed mass of such a character. Not to act thus is folly; I had almost said it is impiety. He censures God, who quarrels with the imperfections of man.

Gentlemen, we must not be peevish with those who serve the people. For none will serve us whilst there is a court to serve, but those who are of a nice and jealous honor. They who think every thing, in comparison of that honor, to be dust and ashes, will not bear to have it soiled and impaired by those, for whose sake they make a thousand sacrifices to preserve it immaculate and whole. We shall either drive such men from the public stage, or we shall send them to the court for protection: where, if they must sacrifice their reputation, they will at least secure their interest. Depend upon it, that the lovers of freedom will be free. None will violate their conscience to please us, in order afterwards to discharge that conscience, which they have violated, by doing us faithful and affectionate service. If we degrade and deprave their minds by servility, it will be absurd to expect, that they who are creeping and abject towards us, will ever be bold and incorruptible assertors of our freedom, against the most seducing and the most formidable of all powers. No! human nature is not so formed; nor shall we improve the faculties or better the morals of public men, by our possession of the most infallible receipt in the world for making cheats and hypocrites.

Let me say with plainness, I who am no longer in a public character, that if by a fair, by an indulgent, by a gentlemanly behavior to our representatives, we do not give confidence to their minds, and a liberal scope to their understandings; if we do not permit our members to act upon a *very* enlarged view of things; we shall at length infallibly degrade our national representation into a confused and scuffling bustle of local agency. When the popular member is narrowed in his ideas, and rendered timid in his proceedings, the service of the crown will be the sole nursery of statesmen. Among the frolics of the court, it may at length

take that of attending to its business. Then the monopoly of mental power will be added to the power of all other kinds it possesses. On the side of the people there will be nothing but impotence: for ignorance is impotence; narrowness of mind is impotence; timidity is itself impotence, and makes all other qualities that go along with it, impotent and useless.

At present it is the plan of the court to make its servants insignificant. If the people should fall into the same humor, and should choose their servants on the same principles of mere obsequiousness, and flexibility, and total vacancy or indifference of opinion in all public matters, then no part of the state will be sound; and it will be in vain to think of saving it.

I thought it very expedient at this time to give you this candid counsel; and with this counsel I would willingly close, if the matters which at various times have been objected to me in this city concerned only myself, and my own election. These charges, I think, are four in number;—my neglect of a due attention to my constituents;—the not paying more frequent visits here;—my conduct on the affairs of the first Irish trade acts;—my opinion and mode of proceeding on lord Beauchamp's debtors bills;—and my votes on the late affairs of the Roman Catholics. All of these (except perhaps the first) relate to matters of very considerable public concern; and it is not lest you should censure me improperly, but lest you should form improper opinions on matters of some moment to you, that I trouble you at all upon the subject. My conduct is of small importance.

With regard to the first charge, my friends have spoken to me of it in the style of amicable expostulation; not so much blaming the thing, as lamenting the effects. Others, less partial to me, were less kind in assigning the motives. I admit, there is a decorum and propriety in a member of parliament's paying a respectful court to his constituents. If I were conscious to myself that pleasure or dissipation, or low unworthy occupations, had detained me from personal attendance on you, I would readily admit my fault, and quietly

submit to the penalty. But gentlemen, I live at an hundred miles distance from Bristol; and at the end of a session I come to my own house, fatigued in body and in mind, to a little repose, and to a very little attention to my family and my private concerns. A visit to Bristol is always a sort of canvass; else it will do more harm than good. To pass from the toils of a session to the toils of a canvass, is the furthest thing in the world from repose. I could hardly serve you *as I have done*, and court you too. Most of you have heard, that I do not very remarkably spare myself in *public* business; and in the *private* business of my constituents I have done very near as much as those who have nothing else to do. My canvass of you was not on the change, nor in the county meetings, nor in the clubs of this city: it was in the house of commons; it was at the custom-house; it was at the council; it was at the treasury; it was at the admiralty. I canvassed you through your affairs, and not your persons. I was not only your representative as a body; I was the agent, the solicitor of individuals; I ran about wherever your affairs could call me; and in acting for you I often appeared rather as a ship-broker, than as a member of parliament. There was nothing too laborious, or too low for me to undertake. The meanness of the business was raised by the dignity of the object. If some lesser matters have slipped through my fingers, it was because I filled my hands too full; and in my eagerness to serve you, took in more than any hands could grasp. Several gentlemen stand round me who are my willing witnesses; and there are others who, if they were here, would be still better; because they would be unwilling witnesses to the same truth. It was in the middle of a summer residence in London, and in the middle of a negotiation at the admiralty for your trade, that I was called to Bristol; and this late visit, at this late day, has been possibly in prejudice to your affairs.

Since I have touched upon this matter, let me say, gentlemen, that if I had a disposition, or a right to complain, I have some cause of complaint on my side. With a petition of this

city in my hand, passed through the corporation without a dissenting voice, a petition in unison with almost the whole voice of the kingdom, (with whose formal thanks I was covered over) while I labored on no less than five bills for a public reform, and fought against the opposition of great abilities, and of the greatest power, every clause, and every word of the largest of those bills, almost to the very last day of a very long session; all this time a canvass in Bristol was as calmly carried on as if I were dead. I was considered as a man wholly out of the question. Whilst I watched, and fasted, and sweated, in the house of commons—by the most easy and ordinary arts of election, by dinners and visits, by "How do you do's," and "My worthy friends," I was to be quietly moved out of my seat—and promises were made, and engagements entered into, without any exception or reserve, as if my laborious zeal in my duty had been a regular abdication of my trust.

To open my whole heart to you on this subject, I do confess, however, that there were other times besides the two years in which I did visit you, when I was not wholly without leisure for repeating that mark of my respect. But I could not bring my mind to see you. You remember, that in the beginning of this American war (that era of calamity, disgrace and downfall, an era which no feeling mind will ever mention without a tear for England) you were greatly divided; and a very strong body, if not the strongest, opposed itself to the madness which every art and every power were employed to render popular, in order that the errors of the rulers might be lost in the general blindness of the nation. This opposition continued until after our great, but most unfortunate victory at Long Island. Then all the mounds and banks of our constancy were borne down at once; and the phrensy of the American war broke in upon us like a deluge. This victory, which seemed to put an immediate end to all difficulties, perfected us in that spirit of domination, which our unparalleled prosperity had but too long nurtured. We had been so very powerful, and so very

prosperous, that even the humblest of us were degraded into the vices and follies of kings. We lost all measure between means and ends; and our headlong desires became our politics and our morals. All men who wished for peace, or retained any sentiments of moderation, were overborne or silenced; and this city was led by every artifice (and probably with the more management, because I was one of your members) to distinguish itself by its zeal for that fatal cause. In this temper of yours and of my mind, I should have sooner fled to the extremities of the earth, than have shewn myself here. I, who saw in every American victory (for you have had a long series of these misfortunes) the germ and seed of the naval power of France and Spain, which all our heat and warmth against America was only hatching into life,—I should not have been a welcome visitant with the brow and the language of such feelings. When afterwards, the other face of your calamity was turned upon you, and shewed itself in defeat and distress, I shunned you full as much. I felt sorely this variety in our wretchedness; and I did not wish to have the least appearance of insulting you with that show of superiority, which, though it may not be assumed, is generally suspected in a time of calamity, from those whose previous warnings have been despised. I could not bear to shew you a representative whose face did not reflect that of his constituents; a face that could not joy in your joys, and sorrow in your sorrows. But time at length has made us all of one opinion; and we have all opened our eyes on the true nature of the American war, to the true nature of all its successes and all its failures.

In that public storm too I had my private feelings. I had seen blown down and prostrate on the ground several of those houses to whom I was chiefly indebted for the honor this city has done me. I confess, that whilst the wounds of those I loved were yet green, I could not bear to shew myself in pride and triumph in that place into which their partiality had brought me, and to appear at feasts and rejoicings, in the midst of the grief and calamity of my warm friends, my zeal-

ous supporters, my generous benefactors. This is a true, unvarnished, undisguised state of the affair. You will judge of it.

This is the only one of the charges in which I am personally concerned. As to the other matters objected against me, which in their turn I shall mention to you, remember once more I do not mean to extenuate or excuse. Why should I, when the things charged are among those upon which I found all my reputation? What would be left to me, if I myself was the man, who softened, and blended, and diluted, and weakened, all the distinguishing colors of my life, so as to leave nothing distinct and determinate in my whole conduct?

It has been said, and it is the second charge, that in the questions of the Irish trade, I did not consult the interest of my constituents; or, to speak out strongly, that I rather acted as a native of Ireland, than as an English member of parliament.

I certainly have very warm good wishes for the place of my birth. But the sphere of my duties is my true country. It was, as a man attached to your interests, and zealous for the conservation of your power and dignity, that I acted on that occasion, and on all occasions. You were involved in the American war. A new world of policy was opened, to which it was necessary we should conform, whether we would or not; and my only thought was how to conform to our situation in such a manner as to unite to this kingdom, in prosperity and in affection, whatever remained of the empire. I was true to my old, standing, invariable principle, that all things, which came from Great Britain, should issue as a gift of her bounty and beneficence, rather than as claims recovered against a struggling litigant; or, at least, that if your beneficence obtained no credit in your concessions, yet that they should appear the salutary provisions of your wisdom and foresight; not as things wrung from you with your blood, by the cruel gripe of a rigid necessity. The first concessions, by being (much against my will) mangled and stripped of the

parts which were necessary to make out their just correspondence and connection in trade, were of no use. The next year a feeble attempt was made to bring the thing into better shape. This attempt (countenanced by the minister) on the very first appearance of some popular uneasiness, was, after a considerable progress through the house, thrown out by *him*.

What was the consequence? The whole kingdom of Ireland was instantly in a flame. Threatened by foreigners, and, as they thought, insulted by England, they resolved at once to resist the power of France, and to cast off yours. As for us, we were able neither to protect nor to restrain them. Forty thousand men were raised and disciplined without commission from the crown. Two illegal armies were seen with banners displayed at the same time and in the same country. No executive magistrate, no judicature, in Ireland, would acknowledge the legality of the army which bore the king's commission; and no law, or appearance of law, authorized the army commissioned by itself. In this unexampled state of things, which the least error, the least trespass on the right or left, would have hurried down the precipice into an abyss of blood and confusion, the people of Ireland demand a freedom of trade with arms in their hands. They interdict all commerce between the two nations. They deny all new supply in the house of commons, although in time of war. They stint the trust of the old revenue, given for two years to all the king's predecessors, to six months. The British parliament, in a former session, frightened into a limited concession by the menaces of Ireland, frightened out of it by the menaces of England, was now frightened back again, and made an universal surrender of all that had been thought the peculiar, reserved, uncommunicable rights of England; the exclusive commerce of America, of Africa, of the West Indies—all the enumerations of the acts of navigation—all the manufactures—iron, glass, even the last pledge of jealousy and pride, the interest hid in the secret of our hearts, the inveterate prejudice moulded into the constitution of our frame, even the sacred fleece itself, all went together. No reserve; no excep-

tion; no debate; no discussion. A sudden light broke in upon us all. It broke in, not through well-contrived and well-disposed windows, but through flaws and breaches; through the yawning chasms of our ruin. We were taught wisdom by humiliation. No town in England presumed to have a prejudice; or dared to mutter a petition. What was worse, the whole parliament of England, which retained authority for nothing but surrenders, was despoiled of every shadow of its superintendence. It was, without any qualification, denied in theory, as it had been trampled upon in practice. This scene of shame and disgrace has, in a manner, whilst I am speaking, ended by the perpetual establishment of a military power in the dominions of this crown, without consent of the British legislature,* contrary to the policy of the constitution, contrary to the declaration of right: and by this your liberties are swept away along with your supreme authority—and both, linked together from the beginning, have, I am afraid, both together perished, for ever.

What! gentlemen, was I not to foresee, or, foreseeing, was I not to endeavor to save you from all these multiplied mischiefs and disgraces? Would the little, silly, canvass prattle of obeying instructions, and having no opinions but yours, and such idle, senseless tales, which amuse the vacant ears of unthinking men, have saved you from the "pelting of that pitiless storm," to which the loose improvidence, the cowardly rashness, of those who dare not look danger in the face, so as to provide against it in time, and therefore throw themselves headlong into the midst of it, have exposed this degraded nation, beat down and prostrate on the earth, unsheltered, unarmed, unresisting? Was I an Irishman on that day, that I boldly withstood our pride? or on the day that I hung down my head, and wept in shame and silence over the humiliation of Great Britain? I became unpopular in England for the one, and in Ireland for the other. What then? What obligation lay on me to be popular? I was bound to serve both

* Irish perpetual mutiny act.

kingdoms. To be pleased with my service, was their affair, not mine.

I was an Irishman in the Irish business, just as much as I was an American, when on the same principles, I wished you to concede to America, at a time when she prayed concession at our feet. Just as much was I an American, when I wished parliament to offer terms in victory, and not to wait the well chosen hour of defeat, for making good by weakness, and by supplication, a claim of prerogative, preëminence, and authority.

Instead of requiring it from me, as a point of duty, to kindle with your passions, had you all been as cool as I was, you would have been saved disgraces and distresses that are unutterable. Do you remember our commission? We sent out a solemn embassy across the Atlantic ocean, to lay the crown, the peerage, the commons of Great Britain, at the feet of the American congress. That our disgrace might want no sort of brightening and burnishing, observe who they were that composed this famous embassy. My lord Carlisle is among the first ranks of our nobility. He is the identical man who but two years before had been put forward, at the opening of a session in the house of lords, as the mover of a haughty and rigorous address against America. He was put in the front of the embassy of submission. Mr. Eden was taken from the office of lord Suffolk, to whom he was then under secretary of state; from the office of that lord Suffolk, who but a few weeks before, in his place in parliament, did not deign to inquire where a congress of vagrants was to be found. This lord Suffolk sent Mr. Eden to find these vagrants, without knowing where this king's generals were to be found, who were joined in the same commission of supplicating those whom they were sent to subdue. They enter the capital of America only to abandon it; and these assertors and representatives of the dignity of England, at the tail of a flying army, let fly their Parthian shafts of memorials and remonstrances at random behind them. Their promises and their offers, their flatteries and their menaces,

were all despised; and we were saved the disgrace of their formal reception, only because the congress scorned to receive them; whilst the state house of independent Philadelphia opened her doors to the public entry of the ambassador of France. From war and blood we went to submission; and from submission plunged back again to war and blood; to desolate and be desolated, without measure, hope, or end. I am a royalist, I blushed for this degradation of the crown. I am a whig, I blushed for the dishonor of parliament. I am a true Englishman, I felt to the quick for the disgrace of England. I am a man, I felt for the melancholy reverse of human affairs, in the fall of the first power in the world.

To read what was approaching in Ireland, in the black and bloody characters of the American war, was a painful, but it was a necessary part of my public duty. For, gentlemen, it is not your fond desires or mine that can alter the nature of things; by contending against which, what have we got, or shall ever get, but defeat and shame? I did not obey your instructions: No. I conformed to the instructions of truth and nature, and maintained your interest, against your opinions, with a constancy that became me. A representative worthy of you, ought to be a person of stability. I am to look, indeed, to your opinions; but to such opinions as you and I *must* have five years hence. I was not to look to the flash of the day. I knew that you chose me, in my place, along with others, to be a pillar of the state, and not a weathercock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale. Would to God, the value of my sentiments on Ireland and on America had been at this day a subject of doubt and discussion! No matter what my sufferings had been, so that this kingdom had kept the authority I wished it to maintain, by a grave foresight, and by an equitable temperance in the use of its power.

The next article of charge on my public conduct, and that which I find rather the most prevalent of all, is, lord Beauchamp's bill. I mean his bill of last session, for reforming the

law-process concerning imprisonment. It is said, to aggravate the offence, that I treated the petition of this city with contempt even in presenting it to the house, and expressed myself in terms of marked disrespect. Had this latter part of the charge been true, no merits on the side of the question which I took, could possibly excuse me. But I am incapable of treating this city with disrespect. Very fortunately, at this minute (if my bad eyesight does not deceive me) the worthy gentleman* deputed on this business stands directly before me. To him I appeal, whether I did not, though it militated with my oldest and my most recent public opinions, deliver the petition with a strong, and more than usual recommendation to the consideration of the house, on account of the character and consequence of those who signed it. I believe the worthy gentleman will tell you, that the very day I received it, I applied to the solicitor, now the attorney general, to give it an immediate consideration; and he most obligingly and instantly consented to employ a great deal of his very valuable time to write an explanation of the bill. I attended the committee with all possible care and diligence, in order that every objection of yours might meet with a solution; or produce an alteration. I entreated your learned recorder (always ready in business in which you take a concern) to attend.

But what will you say to those who blame me for supporting lord Beauchamp's bill, as a disrespectful treatment of your petition, when you hear, that out of respect to you, I myself was the cause of the loss of that very bill? for the noble lord who brought it in, and who, I must say, has much merit for this and some other measures, at my request consented to put it off for a week, which the speaker's illness lengthened to a fortnight; and then the frantic tumult about popery drove that and every rational business from the house. So that if I chose to make a defence of myself, on the little principles of a culprit, pleading in his exculpation, I might not only secure my acquittal, but make merit with the opposers of

Mr. Williams.

the bill. But I shall do no such thing. The truth is, that I did occasion the loss of the bill, and by a delay caused by my respect to you. But such an event was never in my contemplation. And I am so far from taking credit for the defeat of that measure, that I cannot sufficiently lament my misfortune, if but one man, who ought to be at large, has passed a year in prison by my means. I am a debtor to the debtors. I confess judgment. I owe what, if ever it be in my power, I shall most certainly pay,—ample atonement and usurious amends to liberty and humanity for my unhappy lapse. For, gentlemen, lord Beauchamp's bill was a law of justice and policy, as far as it went; I say as far as it went, for its fault was its being, in the remedial part, miserably defective.

There are two capital faults in our law with relation to civil debts. One is, that every man is presumed solvent. A presumption, in innumerable cases, directly against truth. Therefore the debtor is ordered, on a supposition of ability and fraud, to be coerced his liberty until he makes payment. By this means, in all cases of civil insolvency, without a pardon from his creditor, he is to be imprisoned for life; and thus a miserable mistaken invention of artificial science, operates to change a civil into a criminal judgment, and to scourge misfortune or indiscretion with a punishment which the law does not inflict on the greatest crimes.

The next fault is, that the inflicting of that punishment is not on the opinion of an equal and public judge; but is referred to the arbitrary discretion of a private, nay interested, and irritated, individual. He, who formally is, and substantially ought to be, the judge, is in reality no more than ministerial, a mere executive instrument of a private man, who is at once judge and party. Every idea of judicial order is subverted by this procedure. If the insolvency be no crime, why is it punished with arbitrary imprisonment? If it be a crime, why is it delivered into private hands to pardon without discretion, or to punish without mercy and without measure?

To these faults, gross and cruel faults in our law, the excel-

lent principle of lord Beauchamp's bill applied some sort of remedy. I know that credit must be preserved; but equity must be preserved too; and it is impossible that any thing should be necessary to commerce, which is inconsistent with justice. The principle of credit was not weakened by that bill. God forbid! The enforcement of that credit was only put into the same public judicial hands on which we depend for our lives, and all that makes life dear to us. But, indeed, this business was taken up too warmly both here and elsewhere. The bill was extremely mistaken. It was supposed to enact what it never enacted; and complaints were made of clauses in it as novelties, which existed before the noble lord that brought in the bill was born. There was a fallacy that ran through the whole of the objections. The gentlemen who opposed the bill, always argued, as if the option lay between that bill and the ancient law. But this is a grand mistake. For practically, the option is between, not that bill and the old law, but between that bill and those occasional laws, called acts of grace. For the operation of the old law is so savage, and so inconvenient to society, that for a long time past, once in every parliament, and lately twice, the legislature has been obliged to make a general arbitrary jail-delivery, and at once to set open by its sovereign authority, all the prisons in England.

Gentlemen, I never relished acts of grace; nor ever submitted to them but from despair of better. They are a dishonorable invention, by which, not from humanity, not from policy; but merely because we have not room enough to hold these victims of the absurdity of our laws, we turn loose upon the public three or four thousand naked wretches, corrupted by the habits, debased by the ignominy, of a prison. If the creditor had a right to those carcasses as a natural security for his property, I am sure we have no right to deprive him of that security. But if the few pounds of flesh were not necessary to his security, we had not a right to detain the unfortunate debtor, without any benefit at all to the person who confined him. Take it as you will, we commit injustice. Now

lord Beauchamp's bill intended to do deliberately, and with great caution and circumspection, upon each several case, and with all attention to the just claimant, what acts of grace do in a much greater measure, and with very little care, caution, or deliberation.

I suspect that here too, if we contrive to oppose this bill, we shall be found in a struggle against the nature of things. For as we grow enlightened, the public will not bear, for any length of time, to pay for the maintenance of whole armies of prisoners, nor, at their own expense, submit to keep jails as a sort of garrisons, merely to fortify the absurd principle of making men judges in their own cause. For credit has little or no concern in this cruelty. I speak in a commercial assembly. You know that credit is given, because capital *must* be employed; that men calculate the chances of insolvency; and they either withhold the credit, or make the debtor pay the risk in the price. The counting-house has no alliance with the jail. Holland understands trade as well as we, and she has done much more than this obnoxious bill intended to do. There was not, when Mr. Howard visited Holland, more than one prisoner for debt in the great city of Rotterdam. Although lord Beauchamp's act (which was previous to this bill, and intended to feel the way for it) has already preserved liberty to thousands; and though it is not three years since the last act of grace passed, yet by Mr. Howard's last account, there were near three thousand again in jail. I cannot name this gentleman without remarking, that his labors and writings have done much to open the eyes and hearts of mankind. He has visited all Europe—not to survey the sumptuousness of palaces, or the stateliness of temples; not to make accurate measurements of the remains of ancient grandeur, nor to form a scale of the curiosity of modern art; not to collect medals, or collate manuscripts:—but to dive into the depths of dungeons; to plunge into the infection of hospitals; to survey the mansions of sorrow and pain; to take the guage and dimensions of misery, depression and contempt; to remember the forgotten, to attend to the neglected, to visit the forsaken, and

to compare and collate the distresses of all men in all countries. His plan is original; and it is as full of genius as it is of humanity. It was a voyage of discovery; a circumnavigation of charity. Already the benefit of his labor is felt more or less in every country: I hope he will anticipate his final reward, by seeing all its effects fully realized in his own. He will receive, not by retail, but in gross, the reward of those who visit the prisoner; and he has so forestalled and monopolized this branch of charity, that there will be, I trust, little room to merit by such acts of benevolence hereafter.

Nothing now remains to trouble you with, but the fourth charge against me—the business of the Roman Catholics. It is a business closely connected with the rest. They are all on one and the same principle. My little scheme of conduct, such as it is, is all arranged. I could do nothing but what I have done on this subject, without confounding the whole train of my ideas, and disturbing the whole order of my life. Gentlemen, I ought to apologize to you, for seeming to think any thing at all necessary to be said upon this matter. The calumny is fitter to be scrawled with the midnight chalk of incendiaries, with "No popery," on walls and doors of devoted houses, than to be mentioned in any civilized company. I had heard, that the spirit of discontent on that subject was very prevalent here. With pleasure I find that I have been grossly misinformed. If it exists at all in this city, the laws have crushed its exertions, and our morals have shamed its appearance in day-light. I have pursued this spirit whereever I could trace it; but it still fled from me. It was a ghost which all had heard of, but none had seen. None would acknowledge that he thought the public proceeding with regard to our Catholic dissenters to be blamable; but several were sorry it had made an ill impression upon others, and that my interest was hurt by my share in the business. I find with satisfaction and pride, that not above four or five in this city (and I dare say these misled by some gross misrepresentation) have signed that symbol of delusion and bond of sedition, that libel on the national religion and English character, the

Protestant Association. It is therefore, gentlemen, not by way of cure but of prevention, and lest the arts of wicked men may prevail over the integrity of any one amongst us, that I think it necessary to open to you the merits of this transaction pretty much at large; and I beg your patience upon it: for, although the reasonings that have been used to depreciate the act are of little force, and though the authority of the men concerned in this ill design is not very imposing; yet the audaciousness of these conspirators against the national honor, and the extensive wickedness of their attempts, have raised persons of little importance to a degree of evil eminence, and imparted a sort of sinister dignity to proceedings that had their origin in only the meanest and blindest malice.

In explaining to you the proceedings of parliament which have been complained of, I will state to you,—first, the thing that was done;—next, the persons who did it;—and lastly, the grounds and reasons upon which the legislature proceeded in this deliberate act of public justice and public prudence.

Gentlemen, the condition of our nature is such, that we buy our blessings at a price. The Reformation, one of the greatest periods of human improvement, was a time of trouble and confusion. The vast structure of superstition and tyranny, which had been for ages in rearing, and which was combined with the interest of the great and of the many; which was moulded into the laws, the manners, and civil institutions of nations, and blended with the frame and policy of states; could not be brought to the ground without a fearful struggle; nor could it fall without a violent concussion of itself and all about it. When this great revolution was attempted in a more regular mode by government, it was opposed by plots and seditions of the people; when by popular efforts, it was repressed as rebellion by the hand of power; and bloody executions (often bloodily returned) marked the whole of its progress through all its stages. The affairs of religion, which are no longer heard of in the tumult of our present contentions, made a principal ingredient in the wars and politics of that time; the enthusiasm of religion threw a gloom over

the politics; and political interests poisoned and perverted the spirit of religion upon all sides. The Protestant religion in that violent struggle, infected, as the Popish had been before, by worldly interest and worldly passions, became a persecutor in its turn, sometimes of the new sects, which carried their own principles further than it was convenient to the original reformers; and always of the body from whom they parted; and this persecuting spirit arose, not only from the bitterness of retaliation, but from the merciless policy of fear.

It was long before the spirit of true piety and true wisdom, involved in the principles of the Reformation, could be depurated from the dregs and feculence of the contention with which it was carried through. However, until this be done, the Reformation is not complete; and those who think themselves good Protestants, from their animosity to others, are in that respect no Protestants at all. It was at first thought necessary, perhaps, to oppose to Popery another Popery, to get the better of it. Whatever was the cause, laws were made in many countries, and in this kingdom in particular, against Papists, which are as bloody as any of those which had been enacted by the popish princes and states; and where those laws were not bloody, in my opinion, they were worse; as they were slow, cruel outrages on our nature, and kept men alive only to insult in their persons every one of the rights and feelings of humanity. I pass those statutes, because I would spare your pious ears the repetition of such shocking things; and I come to that particular law, the repeal of which has produced so many unnatural and unexpected consequences.

A statute was fabricated in the year 1699, by which the saying mass (a church-service in the Latin tongue, not exactly the same as our liturgy, but very near it, and containing no offence whatsoever against the laws, or against good morals,) was forged into a crime punishable with perpetual imprisonment. The teaching school, an useful and virtuous occupation, even the teaching in a private family, was in every

Catholic subjected to the same unproportioned punishment. Your industry, and the bread of your children, was taxed for a pecuniary reward to stimulate avarice to do what nature refused, to inform and prosecute on this law. Every Roman Catholic was under the same act, to forfeit his estate to his nearest Protestant relation, until, through a profession of what he did not believe, he redeemed by his hypocrisy, what the law had transferred to the kinsman as the recompense of his profligacy. When thus turned out of doors from his paternal estate, he was disabled from acquiring any other by any industry, donation or charity; but was rendered a foreigner in his native land, only because he retained the religion, along with the property, handed down to him from those who had been the old inhabitants of that land before him.

Does any one who hears me, approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it? If any does, let him say it, and I am ready to discuss the point with temper and candor. But instead of approving, I perceive a virtuous indignation beginning to rise in your minds on the mere cold stating of the statute.

But what will you feel, when you know from history how this statute passed, and what were the motives, and what the mode of making it? A party in this nation, enemies to the system of the revolution, were in opposition to the government of king William. They knew that our glorious deliverer was an enemy to all persecution. They knew that he came to free us from slavery and popery, out of a country, where a third of the people are contented Catholics under a Protestant government. He came with a part of his army, composed of those very Catholics, to overset the power of a popish prince. Such is the effect of a tolerating spirit: and so much is liberty served in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, every thing becomes subject to it; and its very adversaries are an instrument in its hands.

The party I speak of (like some amongst us who would

disparage the best friends of their country) resolved to make the king either violate his principles of toleration, or incur the odium of protecting Papists. They therefore brought in this bill, and made it purposely wicked and absurd that it might be rejected. The then court-party, discovering their game, turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass, what they hoped the other would be persuaded to reject, went through the legislature, contrary to the real wish of all parts of it, and of all the parties that composed it. In this manner these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow-creatures. Other acts of persecution have been acts of malice. This was a subversion of justice from wantonness and petulance. Look into the history of bishop Burnet. He is a witness without exception.

The effects of the act have been as mischievous, as its origin was ludicrous and shameful. From that time every person of that communion, lay and ecclesiastic, has been obliged to fly from the face of day. The clergy, concealed in garrets of private houses, or obliged to take a shelter (hardly safe to themselves, but infinitely dangerous to their country,) under the privileges of foreign ministers, officiated as their servants, and under their protection. The whole body of the Catholics, condemned to beggary and to ignorance in their native land, have been obliged to learn the principles of letters, at the hazard of all their other principles, from the charity of your enemies. They have been taxed to their ruin at the pleasure of necessitous and profligate relations, and according to the measure of their necessity and profligacy. Examples of this are many and affecting. Some of them are known by a friend who stands near me in this hall. It is but six or seven years since a clergyman of the name of Malony, a man of morals,

neither guilty nor accused of any thing noxious to the state, was condemned to perpetual imprisonment for exercising the functions of his religion; and after lying in jail two or three years, was relieved by the mercy of government from perpetual imprisonment, on condition of perpetual banishment. A brother of the earl of Shrewsbury, a Talbot, a name respectable in this country, whilst its glory is any part of its concern, was hauled to the bar of the Old Bailey, among common felons, and only escaped the same doom, either by some error in the process, or that the wretch who brought him there could not correctly describe his person; I now forget which. In short, the persecution would never have relented for a moment, if the judges superseding (though with an ambiguous example) the strict rule of their artificial duty by the higher obligation of their conscience, did not constantly throw every difficulty in the way of such informers. But so ineffectual is the power of legal evasion against legal iniquity, that it was but the other day, that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation, to whom she had been a friend and benefactor: and she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of parliament rescued her from the injustice of its own statutes. One of the acts authorizing such things was that which we in part repealed, knowing what our duty was; and doing that duty as men of honor and virtue, as good Protestants, and as good citizens. Let him stand forth that disapproves what we have done!

Gentlemen, bad laws are the worst sort of tyranny. In such a country as this they are of all bad things the worst, worse by far than any where else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions. For very obvious reasons, you cannot trust the crown with a dispensing power over any of your laws. However, a government, be it as bad as it may, will in the exercise of a discretionary power, discriminate times and per-

sons; and will not ordinarily pursue any man, when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves, not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

In this situation men not only shrink from the frowns of a stern magistrate; but they are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, in social habitudes. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable, are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair, the arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind, which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground, an animated mass of putrefaction, corrupted himself, and corrupting all about him.

The act repealed was of this direct tendency; and it was made in the manner which I have related to you. I will now tell you by whom the bill of repeal was brought into parliament. I find it has been industriously given out in this city (from kindness to me unquestionably) that I was the mover or the seconder. The fact is, I did not once open my lips on the subject during the whole progress of the bill. I do not say this as disclaiming my share in that measure. Very far from it. I inform you of this fact, lest I should seem to arrogate to myself the merits which belong to others. To have been the man chosen out to redeem our fellow-citizens from slavery; to purify our laws from absurdity and injustice; and to cleanse

our religion from the blot and stain of persecution, would be an honor and happiness to which my wishes would undoubtedly aspire; but to which nothing but my wishes could have possibly entitled me. That great work was in hands in every respect far better qualified than mine. The mover of the bill was Sir George Savile.

When an act of great and signal humanity was to be done, and done with all the weight and authority that belonged to it, the world could cast its eyes upon none but him. I hope that few things which have a tendency to bless or to adorn life, have wholly escaped my observation in my passage through it. I have sought the acquaintance of that gentleman, and have seen him in all situations. He is a true genius; with an understanding vigorous, and acute, and refined, and distinguishing even to excess; and illuminated with a most unbounded, peculiar, and original cast of imagination. With these he possesses many external and instrumental advantages; and he makes use of them all. His fortune is among the largest; a fortune which, wholly unincumbered, as it is, without one single charge from luxury, vanity, or excess, sinks under the benevolence of its dispenser. This private benevolence, expanding itself into patriotism, renders his whole being the estate of the public, in which he has not reserved a *peculium* for himself of profit, diversion, or relaxation. During the session, the first in, and the last out of the house of commons; he passes from the senate to the camp; and, seldom seeing the seat of his ancestors, he is always in the senate to serve his country, or in the field to defend it. But in all well-wrought compositions, some particulars stand out more eminently than the rest; and the things which will carry his name to posterity, are his two bills; I mean that for a limitation of the claims of the crown upon landed estates; and this for the relief of the Roman Catholics. By the former, he has emancipated property; by the latter he has quieted conscience; and by both, he has taught that grand lesson to government and subject,—no longer to regard each other as adverse parties.

Such was the mover of the act that is complained of by men, who are not quite so good as he is; an act, most assuredly not brought in by him from any partiality to the sect which is the object of it. For, among his faults, I really cannot help reckoning a greater degree of prejudice against that people, than becomes so wise a man. I know that he inclines to a sort of disgust, mixed with a considerable degree of asperity, to the system; and he has few, or rather no habits with any of its professors. What he has done was on quite other motives. The motives were these, which he declared in his excellent speech on his motion for the bill; namely, his extreme zeal to the Protestant religion, which he thought utterly disgraced by the act of 1699; and his rooted hatred to all kind of oppression, under any color, or upon any pretence whatsoever.

The seconder was worthy of the mover, and the motion. I was not the seconder; it was Mr. Dunning, recorder of this city. I shall say the less of him, because his near relation to you makes you more particularly acquainted with his merits. But I should appear little acquainted with them, or little sensible of them, if I could utter his name on this occasion without expressing my esteem for his character. I am not afraid of offending a most learned body, and most jealous of its reputation for that learning, when I say he is the first of his profession. It is a point settled by those who settle every thing else; and I must add (what I am enabled to say from my own long and close observation) that there is not a man, of any profession, or in any situation, of a more erect and independent spirit; of a more proud honor; a more manly mind; a more firm and determined integrity. Assure yourselves, that the names of two such men will bear a great load of prejudice in the other scale, before they can be entirely outweighed.

With this mover, and this seconder, agreed the *whole* house of commons; the *whole* house of lords; the *whole* bench of bishops; the king; the ministry; the opposition; all the distinguished clergy of the establishment; all the eminent lights

(for they were consulted) of the dissenting churches. This according voice of national wisdom ought to be listened to with reverence. To say that all these descriptions of Englishmen unanimously concurred in a scheme for introducing the Catholic religion, or that none of them understood the nature and effects of what they were doing, so well as a few obscure clubs of people, whose names you never heard of, is shamelessly absurd. Surely it is paying a miserable compliment to the religion we profess, to suggest that every thing eminent in the kingdom is indifferent, or even adverse to that religion, and that its security is wholly abandoned to the zeal of those, who have nothing but their zeal to distinguish them. In weighing this unanimous concurrence of whatever the nation has to boast of, I hope you will recollect, that all these concurring parties do by no means love one another enough to agree in any point, which was not, both evidently, and importantly, right.

To prove this; to prove, that the measure was both clearly and materially proper, I will next lay before you (as I promised) the political grounds and reasons for the repeal of that penal statute; and the motives to its repeal at that particular time.

Gentlemen, America——When the English nation seemed to be dangerously, if not irrecoverably divided; when one, and that the most growing branch, was torn from the parent stock, and ingrafted on the power of France, a great terror fell upon this kingdom. On a sudden we awakened from our dreams of conquest, and saw ourselves threatened with an immediate invasion; which we were at that time very ill prepared to resist. You remember the cloud that gloomed over us all. In that hour of our dismay, from the bottom of the hiding-places, into which the indiscriminate rigor of our statutes had driven them, came out the body of the Roman Catholics. They appeared before the steps of a tottering throne, with one of the most sober, measured, steady, and dutiful addresses that was ever presented to the crown. It was no holiday ceremony; no anniversary compliment of

parade and show. It was signed by almost every gentleman of that persuasion, of note or property, in England. At such a crisis, nothing but a decided resolution to stand or fall with their country could have dictated such an address; the direct tendency of which was to cut off all retreat; and to render them peculiarly obnoxious to an invader of their own communion. The address shewed what I long languished to see, that all the subjects of England had cast off all foreign views and connections, and that every man looked for his relief from every grievance, at the hands only of his own natural government.

It was necessary, on our part, that the natural government should shew itself worthy of that name. It was necessary, at the crisis I speak of, that the supreme power of the state should meet the conciliatory dispositions of the subject. To delay protection would be to reject allegiance. And why should it be rejected, or even coldly and suspiciously received? If any independent Catholic state should choose to take part with this kingdom in a war with France and Spain, that bigot (if such a bigot could be found) would be heard with little respect, who could dream of objecting his religion to an ally, whom the nation would not only receive with its freest thanks, but purchase with the last remains of its exhausted treasure. To such an ally we should not dare to whisper a single syllable of those base and invidious topics, upon which, some unhappy men would persuade the state, to reject the duty and allegiance of its own members. Is it then because foreigners are in a condition to set our malice at defiance, that with *them*, we are willing to contract engagements of friendship, and to keep them with fidelity and honor; but that, because we conceive some descriptions of our countrymen are not powerful enough to punish our malignity, we will not permit them to support our common interest? Is it on that ground, that our anger is to be kindled by their offered kindness? Is it on that ground, that they are to be subjected to penalties, because they are willing, by actual merit, to purge themselves from imputed crimes? Lest by an adherence to

the cause of their country they should acquire a title to fair and equitable treatment, are we resolved to furnish them with causes of eternal enmity; and rather supply them with just and founded motives to disaffection, than not to have that disaffection in existence to justify an oppression, which, not from policy but disposition, we have predetermined to exercise?

What shadow of reason could be assigned, why, at a time, when the most Protestant part of this Protestant empire found it for its advantage to unite with the two principal Popish states, to unite itself in the closest bonds with France and Spain, for our destruction, that we should refuse to unite with our own Catholic countrymen for our own preservation? Ought we, like madmen, to tear off the plasters, that the lenient hand of prudence had spread over the wounds and gashes, which in our delirium of ambition we had given to our own body? No person ever reprobated the American war more than I did, and do, and ever shall. But I never will consent that we should lay additional voluntary penalties on ourselves, for a fault which carries but too much of its own punishment in its own nature. For one, I was delighted with the proposal of internal peace. I accepted the blessing with thankfulness and transport; I was truly happy to find *one* good effect of our civil distractions, that they had put an end to all religious strife and heart-burning in our own bowels. What must be the sentiments of a man, who would wish to perpetuate domestic hostility, when the causes of dispute are at an end; and who, crying out for peace with one part of the nation on the most humiliating terms, should deny it to those, who offer friendship without any terms at all?

But if I was unable to reconcile such a denial to the contracted principles of local duty, what answer could I give to the broad claims of general humanity? I confess to you freely, that the sufferings and distresses of the people of America in this cruel war, have at times affected me more deeply than I can express. I felt every gazette of triumph as a blow upon my heart, which has an hundred times sunk

and fainted within me at all the mischiefs brought upon those who bear the whole brunt of war in the heart of their country. Yet the Americans are utter strangers to me; a nation among whom I am not sure that I have a single acquaintance. Was I to suffer my mind to be so unaccountably warped; was I to keep such iniquitous weights and measures of temper and of reason, as to sympathize with those who are in open rebellion against an authority which I respect, at war with a country which by every title ought to be, and is most dear to me; and yet to have no feeling at all for the hardships and indignities suffered by men, who by their very vicinity, are bound up in a nearer relation to us; who contribute their share, and more than their share, to the common prosperity; who perform the common offices of social life, and who obey the laws to the full as well as I do? Gentlemen, the danger to the state being out of the question (of which, let me tell you, statesmen themselves are apt to have but too exquisite a sense,) I could assign no one reason of justice, policy, or feeling, for not concurring most cordially, as most cordially I did concur, in softening some part of that shameful servitude under which several of my worthy fellow citizens were groaning.

Important effects followed this act of wisdom. They appeared at home and abroad, to the great benefit of this kingdom; and, let me hope, to the advantage of mankind at large. It betokened union among ourselves. It shewed soundness, even on the part of the persecuted, which generally is the weak side of every community. But its most essential operation was not in England. The act was immediately, though very imperfectly, copied in Ireland; and this imperfect transcript of an imperfect act, this first faint sketch of toleration, which did little more than disclose a principle, and mark out a disposition, completed in a most wonderful manner the re-union to the state, of all the Catholics of that country. It made us, what we ought always to have been, one family, one body, one heart and soul, against the family combination, and all other combinations of our enemies. We have indeed obli-

gations to that people, who received such small benefits with so much gratitude; and for which gratitude and attachment to us, I am afraid they have suffered not a little in other places.

I dare say you have all heard of the privileges indulged to the Irish Catholics residing in Spain. You have likewise heard with what circumstances of severity they have been lately expelled from the sea-ports of that kingdom; driven into the inland cities; and there detained as a sort of prisoners of state. I have good reason to believe, that it was the zeal to our government and our cause, (somewhat indiscreetly expressed in one of the addresses of the Catholics of Ireland) which has thus drawn down on their heads the indignation of the court of Madrid; to the inexpressible loss of several individuals, and in future, perhaps, to the great detriment of the whole of their body. Now that our people should be persecuted in Spain for their attachment to this country, and persecuted in this country for their supposed enmity to us, is such a jarring reconciliation of contradictory distresses, is a thing at once so dreadful and ridiculous, that no malice short of diabolical, would wish to continue any human creatures in such a situation. But honest men will not forget either their merit or their sufferings. There are men, (and many, I trust, there are,) who, out of love to their country and their kind, would torture their invention to find excuses for the mistakes of their brethren; and who, to stifle dissension, would construe even doubtful appearances, with the utmost favor: such men will never persuade themselves to be ingenious and refined in discovering disaffection and treason in the manifest palpable signs of suffering loyalty. Persecution is so unnatural to them, that they gladly snatch the very first opportunity of laying aside all the tricks and devices of penal politics; and of returning home, after all their irksome and vexatious wanderings, to our natural family mansion, to the grand social principle, that unites all men, in all descriptions, under the shadow of an equal and impartial justice.

Men of another sort, I mean the bigoted enemies to liberty,

may, perhaps, in their politics, make no account of the good or ill affection of the Catholics of England, who are but an handful of people (enough to torment, but not enough to fear,) perhaps not so many, of both sexes and of all ages, as fifty thousand. But, gentlemen, it is possible you may not know, that the people of that persuasion in Ireland amount at least to sixteen or seventeen hundred thousand souls. I do not at all exaggerate the number. A *nation* to be persecuted! Whilst we were masters of the sea, embodied with America, and in alliance with half the powers of the continent, we might, perhaps, in that remote corner of Europe, afford to tyrannize with impunity. But there is a revolution in our affairs, which makes it prudent to be just. In our late awkward contest with Ireland about trade, had religion been thrown in, to ferment and embitter the mass of discontents, the consequences might have been truly dreadful. But very happily, that cause of quarrel was previously quieted by the wisdom of the acts I am commending.

Even in England, where I admit the danger from the discontent of that persuasion to be less than in Ireland; yet even here, had we listened to the counsels of fanaticism and folly, we might have wounded ourselves very deeply; and wounded ourselves in a very tender part. You are apprized, that the Catholics of England consist mostly of your best manufacturers. Had the legislature chosen, instead of returning their declarations of duty with correspondent good-will, to drive them to despair, there is a country at their very door, to which they would be invited; a country in all respects as good as ours, and with the finest cities in the world ready built to receive them. And thus the bigotry of a free country, and in an enlightened age, would have re-peopled the cities of Flanders, which, in the darkness of two hundred years ago, had been desolated by the superstition of a cruel tyrant. Our manufactures were the growth of the persecutions in the Low Countries. What a spectacle would it be to Europe, to see us at this time of day, balancing the account of tyranny with those very countries, and by our persecu-

tions, driving back trade and manufacture, as a sort of vagabonds, to their original settlement! But I trust we shall be saved this last of disgraces.

So far as to the effect of the act on the interests of this nation. With regard to the interests of mankind at large, I am sure the benefit was very considerable. Long before this act, indeed, the spirit of toleration began to gain ground in Europe. In Holland, the third part of the people are Catholics; they live at ease: and are a sound part of the state. In many parts of Germany, Protestants and Papists partake the same cities, the same councils, and even the same churches. The unbounded liberality of the king of Prussia's conduct on this occasion is known to all the world; and it is of a piece with the other grand maxims of his reign. The magnanimity of the imperial court, breaking through the narrow principles of its predecessors, has indulged its protestant subjects, not only with property, with worship, with liberal education; but with honors and trusts, both civil and military. A worthy protestant gentleman of this country now fills, and fills with credit, a high office in the Austrian Netherlands. Even the Lutheran obstinacy of Sweden has thawed at length, and opened a toleration to all religions. I know myself, that in France the Protestants begin to be at rest. The army, which in that country is every thing, is open to them; and some of the military rewards and decorations which the laws deny, are supplied by others, to make the service acceptable and honorable. The first minister of finance in that country, is a Protestant. Two years war without a tax is among the first-fruits of their liberality. Tarnished as the glory of this nation is, and as far as it has waded into the shades of an eclipse, some beams of its former illumination still play upon its surface; and what is done in England is still looked to, as argument, and as example. It is certainly true, that no law of this country ever met with such universal applause abroad, or was so likely to produce the perfection of that tolerating spirit, which, as I observed, has been long gaining ground in Europe; for abroad, it was universally

thought that we had done, what, I am sorry to say, we had not; they thought we had granted a full toleration. That opinion was however so far from hurting the Protestant cause, that I declare, with the most serious solemnity, my firm belief, that no one thing done for these fifty years past, was so likely to prove deeply beneficial to our religion at large as Sir George Savile's act. In its effects it was, "an act for tolerating and protecting Protestantism throughout Europe:" and I hope that those who were taking steps for the quiet and settlement of our Protestant brethren in other countries, will even yet, rather consider the steady equity of the greater and better part of the people of Great Britain, than the vanity and violence of a few.

I perceive, gentlemen, by the manner of all about me, that you look with horror on the wicked clamor which has been raised on this subject; and that instead of an apology for what was done, you rather demand from me an account, why the execution of the scheme of toleration, was not made more answerable to the large and liberal grounds on which it was taken up. The question is natural and proper; and I remember that a great and learned magistrate,* distinguished for his strong and systematic understanding, and who at that time was a member of the house of commons, made the same objection to the proceeding. The statutes, as they now stand, are, without doubt, perfectly absurd. But I beg leave to explain the cause of this gross imperfection, in the tolerating plan, as well and as shortly as I am able. It was universally thought, that the session ought not to pass over without doing *something* in this business. To revise the whole body of the penal statutes was conceived to be an object too big for the time. The penal statute, therefore, which was chosen for repeal (chosen to shew our disposition to conciliate, not to perfect a toleration,) was this act of ludicrous cruelty, of which I have just given you the history. It is an act, which, though not by a great

* The Chancellor.

deal so fierce and bloody as some of the rest, was infinitely more ready in the execution. It was the act which gave the greatest encouragement to those pests of society, mercenary informers, and interested disturbers of household peace; and it was observed with truth, that the prosecutions, either carried to conviction or compounded, for many years, had been all commenced upon that act. It was said, that whilst we were deliberating on a more perfect scheme, the spirit of the age would never come up to the execution of the statutes which remained; especially as more steps, and a coöperation of more minds and powers were required towards a mischievous use of them, than for the execution of the act to be repealed: that it was better to unravel this texture from below than from above, beginning with the latest, which, in general practice, is the severest evil. It was alleged, that this slow proceeding would be attended with the advantage of a progressive experience; and that the people would grow reconciled to toleration, when they should find by the effects, that justice was not so irreconcilable an enemy to convenience as they had imagined.

These, gentlemen, were the reasons why we left this good work in the rude, unfinished state, in which good works are commonly left, through the tame circumspection with which a timid prudence so frequently enervates beneficence. In doing good, we are generally cold, and languid, and sluggish; and of all things afraid of being too much in the right. But the works of malice and injustice are quite in another style. They are finished with a bold masterly hand; touched as they are with the spirit of those vehement passions that call forth all our energies whenever we oppress and persecute.

Thus this matter was left for the time, with a full determination in parliament, not to suffer other and worse statutes to remain for the purpose of counteracting the benefits proposed by the repeal of one penal law; for nobody then dreamed of defending what was done as a benefit, on the ground of its being no benefit at all. We were not then ripe for so mean a subterfuge.

I do not wish to go over the horrid scene that was afterwards acted. Would to God it could be expunged for ever from the annals of this country! But since it must subsist for our shame, let it subsist for our instruction. In the year 1780, there were found in this nation men deluded enough (for I give the whole to their delusion) on pretences of zeal and piety, without any sort of provocation whatsoever, real or pretended, to make a desperate attempt, which would have consumed all the glory and power of this country, in the flames of London; and buried all law, order, and religion, under the ruins of the metropolis of the Protestant world. Whether all this mischief done, or in the direct train of doing, was in their original scheme, I cannot say; I hope it was not; but this would have been the unavoidable consequence of their proceedings, had not the flames they had lighted up in their fury been extinguished in their blood.

All the time that this horrid scene was acting, or avenging, as well as for some time before, and ever since, the wicked instigators of this unhappy multitude, guilty, with every aggravation, of all their crimes, and screened in a cowardly darkness from their punishment, continued, without interruption, pity or remorse, to blow up the blind rage of the populace, with a continued blast of pestilential libels, which infected and poisoned the very air we breathed in.

The main drift of all the libels, and all the riots, was, to force parliament (to persuade us was hopeless) into an act of national perfidy, which has no example. For, gentlemen, it is proper you should all know what infamy we escaped by refusing that repeal, for a refusal of which, it seems, I, among others, stand somewhere or other accused. When we took away, on the motives which I had the honor of stating to you, a few of the innumerable penalties upon an oppressed and injured people, the relief was not absolute, but given on a stipulation and compact between them and us; for we bound down the Roman Catholics with the most solemn oaths, to bear true allegiance to this government; to abjure all sort of temporal power in any other; and to renounce, under the same

solemn obligations, the doctrines of systematic perfidy, with which they stood (I conceive very unjustly) charged. Now our modest petitioners came up to us, most humbly praying nothing more, than that we should break our faith, without any one cause whatsoever of forfeiture assigned; and when the subjects of this kingdom had, on their part, fully performed their engagement, we should refuse, on our part, the benefit we had stipulated on the performance of those very conditions that were prescribed by our own authority, and taken on the sanction of our public faith. That is to say, when we had inveigled them with fair promises within our door, we were to shut it on them; and, adding mockery to outrage—to tell them, "Now we have got you fast—your consciences are bound to a power resolved on your destruction. We have made you swear, that your religion obliges you to keep your faith; fools as you are! we will now let you see, that our religion enjoins us to keep no faith with you." They who would advisedly call upon us to do such things, must certainly have thought us not only a convention of treacherous tyrants, but a gang of the lowest and dirtiest wretches that ever disgraced humanity. Had we done this, we should have indeed proved, that there were *some* in the world whom no faith could bind; and we should have *convicted* ourselves of that odious principle of which Papists stood *accused* by those very savages, who wished us, on that accusation, to deliver them over to their fury.

In this audacious tumult, when our very name and character as gentlemen, was to be canceled for ever along with the faith and honor of the nation, I, who had exerted myself very little on the quiet passing of the bill, thought it necessary then to come forward. I was not alone; but though some distinguished members on all sides, and particularly on ours, added much to their high reputation by the part they took on that day, (a part which will be remembered as long as honor, spirit, and eloquence have estimation in the world,) I may and will value myself so far, that yielding in abilities to many, I yielded in zeal to none. With warmth and with vigor, and

animated with a just and natural indignation, I called forth every faculty that I possessed, and I directed it in every way in which I could possibly employ it. I labored night and day. I labored in parliament: I labored out of parliament. If therefore the resolution of the house of commons, refusing to commit this act of unmatched turpitude, be a crime, I am guilty among the foremost. But indeed, whatever the faults of that house may have been, no one member was found hardy enough to propose so infamous a thing; and on full debate we passed the resolution against the petitions with as much unanimity, as we had formerly passed the law, of which these petitions demanded the repeal.

There was a circumstance (justice will not suffer me to pass it over) which, if any thing could enforce the reasons I have given, would fully justify the act of relief, and render a repeal, or any thing like a repeal, unnatural, impossible. It was the behavior of the persecuted Roman Catholics, under the acts of violence and brutal insolence, which they suffered. I suppose there are not in London less than four or five thousand of that persuasion from my country, who do a great deal of the most laborious works in the metropolis; and they chiefly inhabit those quarters, which were the principal theatre of the fury of the bigoted multitude. They are known to be men of strong arms, and quick feelings, and more remarkable for a determined resolution, than clear ideas, or much foresight. But though provoked by every thing that can stir the blood of men, their houses and chapels in flames, and with the most atrocious profanations of every thing which they hold sacred before their eyes, not a hand was moved to retaliate, or even to defend. Had a conflict once begun, the rage of their persecutors would have redoubled. Thus fury increasing by the reverberation of outrages, house being fired for house, and church for chapel, I am convinced, that no power under heaven could have prevented a general conflagration; and at this day London would have been a tale. But I am well informed, and the thing speaks it, that their clergy exerted their whole influence to keep their people in such a

state of forbearance and quiet, as, when I look back, fills me with astonishment; but not with astonishment only. Their merits on that occasion ought not to be forgotten; nor will they, when Englishmen come to recollect themselves. I am sure it were far more proper to have called them forth, and given them the thanks of both houses of parliament, than to have suffered those worthy clergymen, and excellent citizens, to be hunted into holes and corners, whilst we are making low-minded inquisitions into the number of their people; as if a tolerating principle was never to prevail, unless we were very sure that only a few could possibly take advantage of it. But indeed we are not yet well recovered of our fright. Our reason, I trust, will return with our security; and this unfortunate temper will pass over like a cloud.

Gentlemen, I have now laid before you a few of the reasons for taking away the penalties of the act of 1699, and for refusing to establish them on the riotous requisition of 1780. Because I would not suffer any thing which may be for your satisfaction to escape, permit me just to touch on the objections urged against our act and our resolves, and intended as a justification of the violence offered to both houses. "Parliament," they assert, "was too hasty, and they ought, in so essential and alarming a change, to have proceeded with a far greater degree of deliberation." The direct contrary. Parliament was too slow. They took four-score years to deliberate on the repeal of an act which ought not to have survived a second session. When at length, after a procrastination of near a century, the business was taken up, it proceeded in the most public manner, by the ordinary stages, and as slowly as a law so evidently right as to be resisted by none, would naturally advance. Had it been read three times in one day, we should have shewn only a becoming readiness to recognise by protection the undoubted dutiful behavior of those whom we had but too long punished for offences of presumption or conjecture. But for what end was that bill to linger beyond the usual period of an unopposed measure? Was it to be delayed until a

rabble in Edinburgh should dictate to the church of England what measure of persecution was fitting for her safety? Was it to be adjourned until a fanatical force could be collected in London, sufficient to frighten us out of all our ideas of policy and justice? Were we to wait for the profound lectures on the reason of state, ecclesiastical and political, which the Protestant Association have since condescended to read to us? Or were we, seven hundred peers and commoners, the only persons ignorant of the ribald invectives, which occupy the place of argument in those remonstrances, which every man of common observation had heard a thousand times over, and a thousand times over had despised? All men had before heard what they have to say; and all men at this day know what they dare to do; and I trust, all honest men are equally influenced by the one, and by the other.

But they tell us, that those our fellow-citizens, whose chains we have a little relaxed, are enemies to liberty and our free constitution. Not enemies, I presume, to their *own* liberty. And as to the constitution, until we give them some share in it, I do not know on what pretence we can examine into their opinions about a business in which they have no interest or concern. But after all, are we equally sure, that they are adverse to our constitution, as that our statutes are hostile and destructive to them? For my part, I have reason to believe, their opinions and inclinations in that respect are various, exactly like those of other men: and if they lean more to the crown than I, and than many of you think *we* ought, we must remember, that he who aims at another's life, is not to be surprised if he flies into any sanctuary that will receive him. The tenderness of the executive power is the natural asylum of those upon whom the laws have declared war; and to complain that men are inclined to favor the means of their own safety, is so absurd, that one forgets the injustice in the ridicule.

I must fairly tell you, that so far as my principles are concerned, (principles that I hope will only depart with my last breath) that I have no idea of a liberty unconnected with

honesty and justice. Nor do I believe, that any good constitutions of government or of freedom, can find it necessary for their security to doom any part of the people to a permanent slavery. Such a constitution of freedom, if such can be, is in effect no more than another name for the tyranny of the strongest faction; and factions in republics have been, and are, full as capable as monarchs, of the most cruel oppression and injustice. It is but too true, that the love, and even the very idea, of genuine liberty, is extremely rare. It is but too true, that there are many, whose whole scheme of freedom is made up of pride, perverseness, and insolence. They feel themselves in a state of thraldom, they imagine that their souls are cooped and cabined in, unless they have some man, or some body of men, dependent on their mercy. This desire of having some one below them, descends to those who are the very lowest of all,—and a Protestant cobbler, debased by his poverty, but exalted by his share of the ruling church, feels a pride in knowing it is by his generosity alone, that the peer, whose footman's instep he measures, is able to keep his chaplain from a jail. This disposition is the true source of the passion, which many men, in very humble life, have taken to the American war. *Our* subjects in America; *our* colonies; *our* dependents. This lust of party-power, is the liberty they hunger and thirst for; and this syren song of ambition, has charmed ears, that one would have thought were never organized to that sort of music.

This way of *proscribing the citizens by denominations and general descriptions*, dignified by the name of reason of state, and security for constitutions and commonwealths, is nothing better at bottom, than the miserable invention of an ungenerous ambition, which would fain hold the sacred trust of power, without any of the virtues or any of the energies, that give a title to it; a receipt of policy, made up of a detestable compound of malice, cowardice, and sloth. They would govern men against their will; but in that government they would be discharged from the exercise of vigilance, providence, and fortitude; and therefore, that they may sleep on their watch,

they consent to take some one division of the society into partnership of the tyranny over the rest. But let government, in what form it may be, comprehend the whole in its justice, and restrain the suspicious by its vigilance; let it keep watch and ward; let it discover by its sagacity, and punish by its firmness, all delinquency against its power, whenever delinquency exists in the overt acts; and then it will be as safe as ever God and nature intended it should be. Crimes are the acts of individuals, and not of denominations; and therefore arbitrarily to class men under general descriptions, in order to proscribe and punish them in the lump for a presumed delinquency, of which perhaps but a part, perhaps none at all, are guilty, is indeed a compendious method, and saves a world of trouble about proof; but such a method, instead of being law, is an act of unnatural rebellion against the legal dominion of reason and justice; and this vice, in any constitution that entertains it, at one time or other will certainly bring on its ruin.

We are told that this is not a religious persecution, and its abettors are loud in disclaiming all severities on account of conscience. Very fine indeed! Then let it be so; they are not persecutors; they are only tyrants. With all my heart. I am perfectly indifferent concerning the pretexts upon which we torment one another; or whether it be for the constitution of the church of England, or for the constitution of the state of England, that people choose to make their fellow-creatures wretched. When we were sent into a place of authority, you that sent us had yourselves but one commission to give. You could give us none to wrong or oppress, or even to suffer any kind of oppression or wrong, on any grounds whatsoever; not on political, as in the affairs of America; not on commercial, as in those of Ireland; not in civil, as in the laws for debt; not in religious, as in the statutes against Protestant or Catholic dissenters. The diversified but connected fabric of universal justice, is well cramped and bolted together in all its parts; and depend upon it, I have never employed, and I never shall employ, any engine of power which may come

into my hands, to wrench it asunder. All shall stand, if I can help it, and all shall stand connected. After all, to complete this work, much remains to be done; much in the East, much in the West. But great as the work is, if our will be ready, our powers are not deficient.

Since you have suffered me to trouble you so much on this subject, permit me, gentlemen, to detain you a little longer. I am indeed most solicitous to give you perfect satisfaction. I find there are some of a better and softer nature than the persons with whom I have supposed myself in debate, who neither think ill of the act of relief, nor by any means desire the repeal, yet who, not accusing but lamenting what was done, on account of the consequences, have frequently expressed their wish, that the late act had never been made. Some of this description, and persons of worth, I have met with in this city. They conceive, that the prejudices, whatever they might be, of a large part of the people, ought not to have been shocked; that their opinions ought to have been previously taken, and much attended to; and that thereby the late horrid scenes might have been prevented.

I confess, my notions are widely different; and I never was less sorry for any action of my life. I like the bill the better, on account of the events of all kinds that followed it. It relieved the real sufferers; it strengthened the state; and, by the disorders that ensued, we had clear evidence that there lurked a temper somewhere, which ought not to be fostered by the laws. No ill consequences whatever could be attributed to the act itself. We knew beforehand, or we were poorly instructed, that toleration is odious to the intolerant; freedom to oppressors; property to robbers; and all kinds and degrees of prosperity to the envious. We knew, that all these kinds of men would gladly gratify their evil dispositions under the sanction of law and religion, if they could: if they could not, yet, to make way to their objects, they would do their utmost to subvert all religion and all law. This we certainly knew. But knowing this, is there any reason, because thieves break in and steal, and thus bring detriment to you, and draw ruin

on themselves, that I am to be sorry that you are in possession of shops, and of ware-houses, and of wholesome laws to protect them? Are you to build no houses, because desperate men may pull them down upon their own heads? Or, if a malignant wretch will cut his own throat because he sees you give alms to the necessitous and deserving; shall his destruction be attributed to your charity, and not to his own deplorable madness? If we repent of our good actions, what, I pray you, is left for our faults and follies? It is not the beneficence of the laws, it is the unnatural temper which beneficence can fret and sour, that is to be lamented. It is this temper, which, by all rational means, ought to be sweetened and corrected. If froward men should refuse this cure, can they vitiate any thing but themselves? Does evil so re-act upon good, as not only to retard its motion, but to change its nature? If it can so operate, then good men will always be in the power of the bad; and virtue, by a dreadful reverse of order, must lie under perpetual subjection and bondage to vice.

As to the opinion of the people, which some think, in such cases, is to be implicitly obeyed; near two years' tranquillity, which followed the act, and its instant imitation in Ireland, proved abundantly, that the late horrible spirit was, in a great measure, the effect of insidious art, and perverse industry, and gross misrepresentation. But suppose that the dislike had been much more deliberate, and much more general than I am persuaded it was—when we know, that the opinions of even the greatest multitudes, are the standard of rectitude, I shall think myself obliged to make those opinions the masters of my conscience. But if it may be doubted whether Omnipotence itself is competent to alter the essential constitution of right and wrong, sure I am, that such *things*, as they and I, are possessed of no such power. No man carries further than I do the policy of making government pleasing to the people. But the widest range of this politic complaisance is confined within the limits of justice. I would not only consult the interest of the people but I would cheerfully gratify

their humors. We are all a sort of children that must be soothed and managed. I think I am not austere or formal in my nature. I would bear, I would even myself play my part in, any innocent buffooneries, to divert them. But I never will act the tyrant for their amusement. If they will mix malice in their sports, I shall never consent to throw them any living, sentient, creature whatsoever, no, not so much as a kitling, to torment.

"But if I profess all this impolitic stubbornness, I may chance never to be elected into parliament." It is certainly not pleasing to be put out of the public service. But I wish to be a member of parliament, to have my share of doing good and resisting evil. It would therefore be absurd to renounce my objects, in order to obtain my seat. I deceive myself indeed most grossly, if I had not much rather pass the remainder of my life hidden in the recesses of the deepest obscurity, feeding my mind even with the visions and imaginations of such things, than to be placed on the most splendid throne of the universe, tantalized with a denial of the practice of all which can make the greatest situation any other than the greatest curse. Gentlemen, I have had my day. I can never sufficiently express my gratitude to you for having set me in a place, wherein I could lend the slightest help to great and laudable designs. If I have had my share in any measure giving quiet to private property and private conscience; if by my vote I have aided in securing to families the best possession, peace; if I have joined in reconciling kings to their subjects, and subjects to their prince; if I have assisted to loosen the foreign holdings of the citizen, and taught him to look for his protection to the laws of his country, and for his comfort to the good will of his countrymen;—if I have thus taken my part with the best of men in the best of their actions, I can shut the book;—I might wish to read a page or two more—but this is enough for my measure. I have not lived in vain.

And now, gentlemen, on this serious day, when I come, as it were, to make up my account with you, let me take to myself some degree of honest pride on the nature of the charges

that are against me. I do not here stand before you accused of venality, or of neglect of duty. It is not said, that, in the long period of my service, I have, in a single instance, sacrificed the slightest of your interests to my ambition, or to my fortune. It is not alleged, that to gratify any anger, or revenge of my own, or of my party, I have had a share in wronging or oppressing any description of men, or any one man in any description. No! The charges against me, are all of one kind, that I have pushed the principles of general justice and benevolence too far; further than a cautious policy would warrant; and further than the opinions of many would go along with me. In every accident which may happen through life, in pain, in sorrow, in depression, and distress—I will call to mind this accusation; and be comforted.

Gentlemen, I submit the whole to your judgment. Mr. Mayor, I thank you for the trouble you have taken on this occasion. In your state of health, it is particularly obliging. If this company should think it advisable for me to withdraw. I shall respectfully retire; if you think otherwise, I shall go directly to the council house and to the change, and, without a moment's delay, begin my canvass.

BRISTOL, *September* 6, 1780.

AT a great and respectable meeting of the friends of EDMUND BURKE, Esq. held at the Guildhall this day;

The Right Worshipful the Mayor in the chair:

Resolved, That Mr. Burke, as a representative for this city, has done all possible honor to himself as a senator and a man, and that we do heartily and honestly approve of his conduct, as the result of an enlightened loyalty to his sovereign; a warm and zealous love to his country, through its widely-extended empire; a jealous and watchful care of the liberties of his fellow-subjects; an enlarged and liberal understanding of our commercial interest; a humane attention to the circumstances of even the lowest ranks of the community; and a truly wise, politic, and tolerant spirit, in supporting the national church, with a reasonable indulgence to all who dissent from it; and we wish to express the most marked abhorrence of the base arts which have been employed, without regard to truth and reason, to misrepresent his eminent services to his country.

Resolved, That this resolution be copied out, and signed by the chairman, and be by him presented to Mr. Burke, as the fullest expression of the respectful and grateful sense we entertain of his merits and services, public and private, to the citizens of Bristol, as a man and a representative.

Resolved, That the thanks of this meeting be given to the right worshipful the Mayor, who so ably and worthily presided in this meeting.

Resolved, That it is the earnest request of this meeting to Mr. Burke, that he should again offer himself a candidate to represent this city in parliament; assuring him of that full and strenuous support which is due to the merits of so excellent a representative.

This business being over, Mr. Burke went to the Exchange, and offered himself as a candidate in the usual manner. He was accompanied to the Council-house, and from thence to the Exchange, by a large body of most respectable gentlemen, amongst whom were the following members of the corporation, viz., Mr. Mayor, Mr. Alderman Smith, Mr. Alderman Deane, Mr. Alderman Gordon, William Weare, Samuel Munckley, John Merlot, John Crofts, Levi Ames, John Fisher Weare, Benjamin Loscombe, Philip Protheroe, Samuel Span, Joseph Smith, Richard Bright, and John Noble, Esquires.

SPEECH AT BRISTOL,

ON

DECLINING THE POLL.

1780.

SPEECH.

BRISTOL, *Saturday, 9th Sept.* 1780.

This morning the sheriff and candidates assembled as usual, at the Council-house, and from thence proceeded to Guildhall. Proclamation being made for the electors to appear and give their votes, Mr. BURKE stood forward on the hustings, surrounded by a great number of the corporation and other principal citizens, and addressed himself to the whole assembly as follows:

GENTLEMEN,

I DECLINE the election. It has ever been my rule through life, to observe a proportion between my efforts and my objects. I have never been remarkable for a bold, active, and sanguine pursuit of advantages that are personal to myself.

I have not canvassed the whole of this city in form. But I have taken such a view of it as satisfies my own mind, that your choice will not ultimately fall upon me. Your city, gentlemen, is in a state of miserable distraction: and I am resolved to withdraw whatever share my pretensions may have had in its unhappy divisions. I have not been in haste; I have tried all prudent means; I have waited for the effect of all contingencies. If I were fond of a contest, by the partiality of my numerous friends (whom you know to be among the most weighty and respectable people of the city) I have the means of a sharp one in my hands. But I thought it far better with my strength unspent, and my reputation unimpaired, to do, early and from foresight, that which I might be obliged to do from necessity at last.

I am not in the least surprised, nor in the least angry at this view of things. I have read the book of life for a long time, and I have read other books a little. Nothing has happened to me, but what has happened to men much better than me, and in times and in nations full as good as the age and country that we live in. To say that I am no way concerned, would be neither decent nor true. The representation of *Bristol* was an object on many accounts dear to me; and I certainly should very far prefer it to any other in the kingdom. My habits are made to it; and it is in general more unpleasant to be rejected after long trial, than not to be chosen at all.

But, gentlemen, I will see nothing except your former kindness, and I will give way to no other sentiments than those of gratitude. From the bottom of my heart I thank you for what you have done for me. You have given me a long term, which is now expired. I have performed the conditions, and enjoyed all the profits to the full; and I now surrender your estate into your hands without being in a single tile or a single stone impaired or wasted by my use. I have served the public for fifteen years. I have served you in particular for six. What is passed is well stored. It is safe, and out of the power of fortune. What is to come, is in wiser hands than ours; and he, in whose hands it is, best knows whether it is best for you and me that I should be in parliament, or even in the world.

Gentlemen, the melancholy event of yesterday reads to us an awful lesson against being too much troubled about any of the objects of ordinary ambition. The worthy gentleman,* who has been snatched from us at the moment of the election, and in the middle of the contest, whilst his desires were as warm, and his hopes as eager as ours, has feelingly told us, what shadows we are, and what shadows we pursue.

It has been usual for a candidate who declines, to take his leave by a letter to the sheriffs; but I received your trust

* Mr. Coombe.

in the face of day; and in the face of day I accept your dismission. I am not,—I am not at all ashamed to look upon you; nor can my presence discompose the order of business here. I humbly and respectfully take my leave of the sheriffs, the candidates, and the electors; wishing heartily that the choice may be for the best, at a time which calls, if ever time did call, for service that is not nominal. It is no plaything you are about. I tremble when I consider the trust I have presumed to ask. I confided perhaps too much in my intentions. They were really fair and upright; and I am bold to say, that I ask no ill thing for you, when on parting from this place I pray that whomever you choose to succeed me, he may resemble me exactly in all things, except in my abilities to serve, and my fortune to please you.

SPEECH

ON THE FIRST OF DECEMBER, 1783,

UPON THE QUESTION FOR

THE SPEAKER'S LEAVING THE CHAIR

IN ORDER FOR

THE HOUSE TO RESOLVE ITSELF INTO A COMMITTEE

ON

MR. FOX'S EAST INDIA BILL.

SPEECH.

MR. SPEAKER,

I THANK you for pointing to me. I really wished much to engage your attention in an early stage of the debate. I have been long very deeply, though perhaps ineffectually, engaged in the preliminary inquiries, which have continued without intermission for some years. Though I have felt, with some degree of sensibility, the natural and inevitable impressions of the several matters of fact, as they have been successively disclosed, I have not at any time attempted to trouble you on the merits of the subject; and very little on any of the points which incidentally arose in the course of our proceedings. But I should be sorry to be found totally silent upon this day. Our inquiries are now come to their final issue:—It is now to be determined whether the three years of laborious parliamentary research, whether the twenty years of patient Indian suffering, are to produce a substantial reform in our eastern administration; or whether our knowledge of the grievances has abated our zeal for the correction of them, and our very inquiry into the evil was only a pretext to elude the remedy which is demanded from us by humanity, by justice, and by every principle of true policy. Depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage, and the world marks our demeanor.

I am therefore a little concerned to perceive the spirit and temper in which the debate has been all along pursued upon

one side of the house. The declamation of the gentlemen who oppose the bill has been abundant and vehement; but they have been reserved and even silent about the fitness or unfitness of the plan to attain the direct object it has in view. By some gentlemen it is taken up (by way of exercise I presume) as a point of law on a question of private property, and corporate franchise; by others it is regarded as the petty intrigue of a faction at court, and argued merely as it tends to set this man a little higher, or that a little lower in situation and power. All the void has been filled up with invectives against coalition; with allusions to the loss of America; with the activity and inactivity of ministers. The total silence of these gentlemen concerning the interest and well-being of the people of India, and concerning the interest which this nation has in the commerce and revenues of that country, is a strong indication of the value which they set upon these objects.

It has been a little painful to me to observe the intrusion into this important debate of such company as *quo warranto*, and *mandamus*, and *certiorari*; as if we were on a trial about mayors and aldermen, and capital burgesses; or engaged in a suit concerning the borough of Penryn, or Saltash, or St. Ives, or St. Mawes. Gentlemen have argued with as much heat and passion, as if the first things in the world were at stake; and their topics are such, as belong only to matter of the lowest and meanest litigation. It is not right, it is not worthy of us, in this manner to depreciate the value, to degrade the majesty, of this grave deliberation of policy and empire.

For my part, I have thought myself bound, when a matter of this extraordinary weight came before me, not to consider (as some gentlemen are so fond of doing) whether the bill originated from a secretary of state for the home department, or from a secretary for the foreign; from a minister of influence or a minister of the people; from Jacob or from Esau.* I asked myself, and I asked myself nothing else,

* An allusion made by Mr. Powis.

what part it was fit for a member of parliament, who has supplied a mediocrity of talents by the extreme of diligence, and who has thought himself obliged, by the research of years, to wind himself into the inmost recesses and labyrinths of the Indian detail, what part, I say, it became such a member of parliament to take, when a minister of state, in conformity to a recommendation from the throne, has brought before us a system for the better government of the territory and commerce of the east. In this light, and in this only, I will trouble you with my sentiments.

It is not only agreed but demanded, by the right honorable gentleman,* and by those who act with him, that a *whole* system ought to be produced; that it ought not to be an *half measure;* that it ought to be no *palliative;* but a legislative provision, vigorous, substantial, and effective. I believe that no man who understands the subject can doubt for a moment, that those must be the conditions of any thing deserving the name of a reform in the Indian government; that any thing short of them would not only be delusive, but, in this matter which admits no medium, noxious in the extreme.

To all the conditions proposed by his adversaries, the mover of the bill perfectly agrees; and on his performance of them he rests his cause. On the other hand, not the least objection has been taken, with regard to the efficiency, the vigor, or the completeness of the scheme. I am therefore warranted to assume, as a thing admitted, that the bills accomplish what both sides of the house demand as essential. The end is completely answered, so far as the direct and immediate object is concerned.

But though there are no direct, yet there are various collateral objections made; objections from the effects which this plan of reform for Indian administration may have on the privileges of great public bodies in England; from its probable influence on the constitutional rights, or on the freedom and integrity of the several branches of the legislature.

* Mr. Pitt.

Before I answer these objections, I must beg leave to observe, that if we are not able to contrive some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*, a ground is laid for their eternal separation; but none for sacrificing the people of that country to our constitution. I am however far from being persuaded that any such incompatibility of interest does at all exist. On the contrary I am certain that every means, effectual to preserve India from oppression, is a guard to preserve the British constitution from its worst corruption. To shew this, I will consider the objections, which I think are four.

1st. That the bill is an attack on the chartered rights of men.

2dly. That it increases the influence of the crown.

3dly. That it does *not* increase, but diminishes, the influence of the crown, in order to promote the interests of certain ministers and their party.

4thly. That it deeply affects the national credit.

As to the first of these objections; I must observe that the phrase of "the chartered rights *of men*," is full of affectation; and very unusual in the discussion of privileges conferred by charters of the present description. But it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

The rights of *men*, that is to say, the natural rights of mankind, are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power, and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance. Indeed this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by

rooting up the holding radical principles of government, and even of society itself. The charters, which we call by distinction *great*, are public instruments of this nature; I mean the charters of king John and king Henry the Third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called the *chartered rights of men.*

These charters have made the very name of a charter dear to the heart of every Englishman. But, sir, there may be, and there are charters, not only different in nature, but formed on principles the *very reverse* of those of the great charter. Of this kind is the charter of the East India company. *Magna charta* is a charter to restrain power, and to destroy monopoly. The East India charter is a charter to establish monopoly, and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights of them derived from charters, it is fallacious and sophistical to call "the chartered rights of men." These chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large; and in their very frame and constitution are liable to fall into a direct violation of them.

It is a charter of this latter description (that is to say a charter of power and monopoly) which is affected by the bill before you. The bill, sir, does, without question, affect it; it does affect it essentially and substantially. But having stated to you of what description the chartered rights are which this bill touches, I feel no difficulty at all in acknowledging the existence of those chartered rights, in their fullest extent. They belong to the company in the surest manner; and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of parliament; they have been bought for money, for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

I therefore freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose (under the control of a sovereign imperial discretion, and with the due observance of the natural and local law,) of the lives and fortunes of thirty millions of their fellow creatures. All this they possess by charter and by acts of parliament, (in my opinion) without a shadow of controversy.

Those who carry the rights and claims of the company the farthest do not contend for more than this; and all this I freely grant. But granting all this, they must grant to me in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges, or whatever else you choose to call them, are all in the strictest sense a *trust;* and it is of the very essence of every trust to be rendered *accountable;* and even totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate *derivative* trusts, I do not see how a controversy can be maintained. To whom then would I make the East India Company accountable? Why, to parliament, to be sure? to parliament, from whom their trust was derived; to parliament, which alone is capable of comprehending the magnitude of its object, and its abuse; and alone capable of an effectual legislative remedy. The very charter, which is held

out to exclude parliament from correcting malversation with regard to the high trust vested in the company, is the very thing which at once gives a title and imposes a duty on us to interfere with effect, wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If parliament, sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is in truth and reason for this house to be an active accomplice in the abuse.

That the power notoriously, grossly abused, has been bought from us is very certain. But this circumstance, which is urged against the bill, becomes an additional motive for our interference; lest we should be thought to have sold the blood of millions of men for the base consideration of money. We sold, I admit, all that we had to sell; that is, our authority, not our control. We had not a right to make a market of our duties.

I ground myself, therefore, on this principle—that if the abuse is proved, the contract is broken; and we reënter into all our rights; that is, into the exercise of all our duties. Our own authority is indeed as much a trust originally, as the company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right honorable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny and corruption; and that in one and the same plan, we provide a real chartered security for the *rights of men* cruelly violated under that charter.

This bill, and those connected with it, are intended to form the *magna charta* of Hindostan. Whatever the treaty of Westphalia is to the liberty of the princes and free cities of the empire, and to the three religions there professed—whatever the great charter, the statute of tallage, the petition of right, and the declaration of right, are to Great Britain, these bills are to the people of India. Of this benefit I am certain, their condition is capable; and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

The strong admission I have made of the company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *a priori*, against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be, said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established institution of government, upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen; and I have seen persons in the rank of statesmen, with the conceptions and characters of pedlars. Indeed, my observation has furnished me with nothing that is to be found in any habits of life or education, which tends wholly to disqualify men for the functions of government, but that, by which the power of exercising those functions is very frequently obtained, I mean a spirit and habits of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out of the hands of the East India Company, on my principles, I must see several conditions. 1st. The object affected by the abuse should be great and important. 2d. The abuse

affecting this great object ought to be a great abuse. 3d. It ought to be habitual, and not accidental. 4th. It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun, before I should strike off an atom of their charter. A right honorable gentleman* has said, and said I think but once, and that very slightly (whatever his original demand for a plan might seem to require) that "there are abuses in the company's government." If that were all, the scheme of the mover of this bill, the scheme of his learned friend, and his own scheme of reformation (if he has any) are all equally needless. There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition. But before I consider of what nature these abuses are, of which the gentleman speaks so very lightly, permit me to recall to your recollection the map of the country which this abused chartered right affects. This I shall do, that you may judge whether in that map I can discover any thing like the first of my conditions; that is, Whether the object affected by the abuse of the East India Company's power be of importance sufficiently to justify the measure and means of reform applied to it in this bill.

With very few, and those inconsiderable intervals, the British dominion, either in the company's name, or in the names of princes absolutely dependent upon the company, extends from the mountains that separate India from Tartary, to cape Comorin, that is, one-and-twenty degrees of latitude!

In the northern parts it is a solid mass of land, about eight hundred miles in length, and four or five hundred broad. As you go southward, it becomes narrower for a space. It afterwards dilates; but narrower or broader, you possess the whole eastern and north-eastern coast of that vast country, quite from the borders of Pegu.—Bengal, Bahar, and Orissa, with Benares, (now unfortunately in our immediate posses-

* Mr. Pitt.

sion) measures 161,978 square English miles; a territory considerably larger than the whole kingdom of France. Oude, with its dependent provinces, is 53,286 square miles, not a great deal less than England. The Carnatic, with Tanjour and the Circars, is 65,948 square miles, very considerably larger than England; and the whole of the company's dominions, comprehending Bombay and Salsette, amounts to 281,412 square miles; which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country there is not a man who eats a mouthful of rice but by permission of the East India Company.

So far with regard to the extent. The population of this great empire is not easy to be calculated. When the countries, of which it is composed, came into our possession, they were all eminently peopled, and eminently productive; though at that time considerably declined from their ancient prosperity. But since they are come into our hands?——! However, if we make the period of our estimate immediately before the utter desolation of the Carnatic, and if we allow for the havoc which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than thirty millions of souls; more than four times the number of persons in the island of Great Britain.

My next inquiry to that of the number, is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the river of Amazons, or the Plate; but a people for ages civilized and cultivated; cultivated by all the arts of polished life, whilst we were yet in the woods. There, have been (and still the skeletons remain) princes once of great dignity, authority, and opulence. There, are to be found the chiefs of tribes and nations. There, is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living, and their consolation in death; a

nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, individual houses of whom have once vied in capital with the bank of England; whose credit had often supported a tottering state, and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. Here are to be found almost all the religions professed by men, the Braminical, the Mussulman, the Eastern and the Western Christian.

If I were to take the whole aggregate of our possessions there, I should compare it, as the nearest parallel I can find, with the empire of Germany. Our immediate possessions I should compare with the Austrian dominions, and they would not suffer in the comparison. The nabob of Oude might stand for the king of Prussia; the nabob of Arcot I would compare, as superior in territory, and equal in revenue, to the elector of Saxony. Cheyt Sing, the rajah of Benares, might well rank with the prince of Hesse, at least; and the rajah of Tanjore (though hardly equal in extent of dominion, superior in revenue,) to the elector of Bavaria. The Polygars and the northern Zemindars, and other great chiefs, might well class with the rest of the princes, dukes, counts, marquises, and bishops in the empire; all of whom I mention to honor, and surely without disparagement to any or all of those most respectable princes and grandees.

All this vast mass, composed of so many orders and classes of men, is again infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations. This renders the handling of India a matter in a high degree critical and delicate. But oh! it has been handled rudely indeed. Even some of the reformers seem to have forgot that they had any thing to do but to regulate the tenants of a manor, or the shopkeepers of the next county town.

It is an empire of this extent, of this complicated nature, of

this dignity and importance, that I have compared to Germany, and the German government; not for an exact resemblance, but as a sort of a middle term, by which India might be approximated to our understandings, and if possible to our feelings; in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium.

My second condition, necessary to justify me in touching the charter, is, whether the company's abuse of their trust, with regard to this great object, be an abuse of great atrocity. I shall beg your permission to consider their conduct in two lights; first the political, and then the commercial. Their political conduct (for distinctness) I divide again into two heads; the external, in which I mean to comprehend their conduct in their federal capacity, as it relates to powers and states independent, or that not long since were such; the other internal, namely their conduct to the countries either immediately subject to the company, or to those who, under the apparent government of native sovereigns, are in a state much lower, and much more miserable, than common subjection.

The attention, sir, which I wish to preserve to method will not be considered as unnecessary or affected. Nothing else can help me to selection out of the infinite mass of materials which have passed under my eye; or can keep my mind steady to the great leading points I have in view.

With regard therefore to the abuse of the external federal trust, I engage myself to you to make good these three positions:—First, I say, that from mount Imaus, (or whatever else you call that large range of mountains that walls the northern frontier of India) where it touches us in the latitude of twenty-nine, to Cape Comorin, in the latitude of eight, that there is not a *single* prince, state, or potentate, great or small, in India, with whom they have come in contact, whom they have not sold. I say *sold*, though sometimes they have not been able to deliver according to their bargain.—Secondly,

I say, that there is not a *single treaty* they have ever made, which they have not broken.—Thirdly, I say, that there is not a single prince or state, who ever put any trust in the company, who is not utterly ruined; and that none are in any degree secure or flourishing, but in the exact proportion to their settled distrust and irreconcilable enmity to this nation.

These assertions are universal. I say in the full sense *universal.* They regard the external and political trust only; but I shall produce others fully equivalent in the internal. For the present, I shall content myself with explaining my meaning; and if I am called on for proof whilst these bills are depending (which I believe I shall not) I will put my finger on the appendixes to the reports, or on papers of record in the house, or the committees, which I have distinctly present to my memory, and which I think I can lay before you at half an hour's warning.

The first potentate sold by the company for money, was the Great Mogul—the descendant of Tamerlane. This high personage, as high as human veneration can look at, is by every account amiable in his manners, respectable for his piety according to his mode, and accomplished in all the Oriental literature. All this, and the title derived under his *charter*, to all that we hold in India, could not save him from the general *sale.* Money is coined in his name; in his name justice is administered; he is prayed for in every temple through the countries we possess—But he was sold.

It is impossible, Mr. Speaker, not to pause here for a moment, to reflect on the inconstancy of human greatness, and the stupendous revolutions that have happened in our age of wonders. Could it be believed when I entered into existence, or when you, a younger man, were born, that on this day, in this house, we should be employed in discussing the conduct of those British subjects who had disposed of the power and person of the Grand Mogul? This is no idle speculation. Awful lessons are taught by it, and by other events, of which it is not yet too late to profit.

This is hardly a digression; but I return to the sale of the

Mogul. Two districts, Corah, and Allahabad, out of his immense grants, were reserved as a royal demesne to the donor of a kingdom, and the rightful sovereign of so many nations. After withholding the tribute of £260,000 a year, which the company was, by the *charter* they had received from this prince, under the most solemn obligation to pay, these districts were sold to his chief minister Sujah ul Dowlah; and, what may appear to some the worst part of the transaction, these two districts were sold for scarcely two years' purchase. The descendant of Tamerlane now stands in need almost of the common necessaries of life; and in this situation we do not even allow him, as bounty, the smallest portion of what we owe him in justice.

The next sale was that of the whole nation of the Rohillas, which the grand salesman, without a pretence of quarrel, and contrary to his own declared sense of duty and rectitude, sold to the same Sujah ul Dowlah. He sold the people to utter *extirpation*, for the sum of four hundred thousand pounds. Faithfully was the bargain performed on our side. Hafiz Rhamet, the most eminent of their chiefs, one of the bravest men of his time, and as famous throughout the East for the elegance of his literature, and the spirit of his poetical compositions (by which he supported the name of Hafiz) as for his courage, was invaded with an army of an hundred thousand men, and an English brigade. This man, at the head of inferior forces was slain valiantly fighting for his country. His head was cut off, and delivered for money to a barbarian. His wife and children, persons of that rank, were seen begging an handful of rice through the English camp. The whole nation, with inconsiderable exceptions, was slaughtered or banished. The country was laid waste with fire and sword; and that land, distinguished above most others by the cheerful face of paternal government and protected labor, the chosen seat of cultivation and plenty, is now almost throughout a dreary desert, covered with rushes and briers, and jungles full of wild beasts.

The British officer who commanded in the delivery of the

people thus sold, felt some compunction at his employment. He represented these enormous excesses to the president of Bengal, for which he received a severe reprimand from the civil governor; and I much doubt whether the breach caused by the conflict, between the compassion of the military and the firmness of the civil governor, be closed at this hour.

In Bengal, Seraja Dowlah was sold to Mir Jaffier; Mir Jaffier was sold to Mir Cossim; and Mir Cossim was sold to Mir Jaffier again. The succession to Mir Jaffier was sold to his eldest son;—another son of Mir Jaffier, Mobarech ul Dowlah, was sold to his step-mother. The Maratta empire was sold to Rogaba; and Rogaba was sold and delivered to the Peishwa of the Marattas. Both Rogaba and the Peishwa of the Marattas were offered to sale to the rajah of Berar. Scindia, the chief of Malva, was offered to sale to the same rajah; and the Subah of the Decan was sold to the great trader Mahomet Ali, nabob of Arcot. To the same nabob of Arcot they sold Hyder Ali and the kingdom of Mysore. To Mahomet Ali they twice sold the kingdom of Tanjour. To the same Mahomet Ali they sold at least twelve sovereign princes, called the Polygars. But to keep things even, the territory of Tinnivelly, belonging to their nabob, they would have sold to the Dutch; and to conclude the account of sales, their great customer, the nabob of Arcot himself, and his lawful succession, has been sold to his second son, Amir ul Omrah, whose character, views, and conduct, are in the accounts upon your table. It remains with you whether they shall finally perfect this last bargain.

All these bargains and sales were regularly attended with the waste and havoc of the country, always by the buyer, and sometimes by the object of the sale. This was explained to you by the honorable mover, when he stated the mode of paying debts due from the country powers to the company. An honorable gentleman, who is not now in his place, objected to his jumping near two thousand miles for an example. But the southern example is perfectly applicable to the northern claim, as the northern is to the southern; for, throughout the

whole space of these two thousand miles, take your stand where you will, the proceeding is perfectly uniform, and what is done in one part will apply exactly to the other.

My second assertion is, that the company never has made a treaty which they have not broken. This position is so connected with that of the sales of provinces and kingdoms, with the negotiation of universal distraction in every part of India, that a very minute detail may well be spared on this point. It has not yet been contended, by any enemy to the reform, that they have observed any public agreement. When I hear that they have done so in any one instance (which hitherto, I confess, I never heard alleged,) I shall speak to the particular treaty. The governor general has even amused himself and the court of directors in a very singular letter to that board, in which he admits he has not been very delicate with regard to public faith; and he goes so far as to state a regular estimate of the sums which the company would have lost, or never acquired, if the rigid ideas of public faith entertained by his colleagues had been observed. The learned gentleman* over against me has indeed saved me much trouble. On a former occasion, he obtained no small credit, for the clear and forcible manner in which he stated what we have not forgot, and I hope he has not forgot, that universal systematic breach of treaties which had made the British faith proverbial in the East.

It only remains, sir, for me just to recapitulate some heads. The treaty with the mogul, by which we stipulated to pay him £260,000 annually, was broken. This treaty they have broken, and not paid him a shilling. They broke their treaty with him, in which they stipulated to pay £400,000 a year to the soubah of Bengal. They agreed with the mogul, for services admitted to have been performed, to pay Nudjif Cawn a pension. They broke this article with the rest, and stopped also this small pension. They broke their treaties with the Nizam, and with Hyder Ali. As to the Marattas,

* Mr. Dundas, lord Advocate of Scotland.

they had so many cross treaties with the states general of that nation, and with each of the chiefs, that it was notorious that no one of these agreements could be kept without grossly violating the rest. It was observed, that if the terms of these several treaties had been kept, two British armies would at one and the same time have met in the field to cut each other's throats. The wars which desolate India, originated from a most atrocious violation of public faith on our part. In the midst of profound peace, the company's troops invaded the Maratta territories, and surprised the island and fortress of Salsette. The Marattas nevertheless yielded to a treaty of peace, by which solid advantages were procured to the company. But this treaty, like every other treaty, was soon violated by the company. Again the company invaded the Maratta dominions. The disaster that ensued gave occasion to a new treaty. The whole army of the company was obliged, in effect, to surrender to this injured, betrayed, and insulted people. Justly irritated, however, as they were, the terms which they prescribed were reasonable and moderate; and their treatment of their captive invaders of the most distinguished humanity. But the humanity of the Marattas was of no power whatsoever to prevail on the company to attend to the observance of the terms dictated by their moderation. The war was renewed with greater vigor than ever; and such was their insatiable lust of plunder, that they never would have given ear to any terms of peace, if Hyder Ali had not broke through the Gauts, and rushing like a torrent into the Carnatic, swept away every thing in his career. This was in consequence of that confederacy, which by a sort of miracle united the most discordant powers for our destruction, as a nation in which no other could put any trust, and who were the declared enemies of the human species.

It is very remarkable, that the late controversy between the several presidencies, and between them and the court of directors, with relation to these wars and treaties, has not been, which of the parties might be defended for his share in them; but on which of the parties the guilt of all this load

[redacted]

Hardly was this vague article inserted, than, without waiting for any act on the part of Hyder, Mr. Hastings enters into a negotiation with the Maratta chief, Scindia, for a partition of the territories of the prince who was one of the objects to be secured by the treaty. He was to be parceled out in three parts—one to Scindia; one to the Peishwa of the Marattas; and the third to the East India Company, or to (the old dealer and chapman) Mahomet Ali.

During the formation of this project, Hyder dies; and before his son could take any one step, either to conform to the tenor of the article, or to contravene it, the treaty of partition is renewed on the old footing, and an instruction is sent to Mr. Anderson to conclude it in form.

A circumstance intervened, during the pendency of this negotiation, to set off the good faith of the company with an additional brilliancy, and to make it sparkle and glow with a variety of splendid faces. General Matthews had reduced that most valuable part of Hyder's dominions called the Country of Biddenore. When the news reached Mr. Hastings he instructed Mr. Anderson to contend for an alteration in the treaty of partition, and to take the Biddenore country out of the common stock which was to be divided, and to keep it for the company.

The first ground for this variation was its being a separate conquest made before the treaty had actually taken place. Here was a new proof given of the fairness, equity, and moderation of the company. But the second of Mr. Hastings's reasons for retaining the Biddenore as a separate portion, and his conduct on that second ground, is still more remarkable. He asserted that that country could not be put into the partition stock, because general Matthews had received it on the terms of some convention, which might be incompatible with the partition proposed. This was a reason in itself both honorable and solid; and it shewed a regard to faith somewhere, and with some persons. But in order to demonstrate his utter contempt of the plighted faith which was alleged on one part as a reason for departing from it on another, and to

prove his impetuous desire for sowing a new war, even in the prepared soil of a general pacification, he directs Mr. Anderson, if he should find strong difficulties impeding the partition, on the score of the subtraction of Biddenore, wholly to abandon that claim, and to conclude the treaty on the original terms. General Mathews's convention was just brought forward sufficiently to demonstrate to the Marattas the slippery hold which they had on their new confederate; on the other hand that convention being instantly abandoned, the people of India were taught, that no terms on which they can surrender to the company are to be regarded, when farther conquests are in view.

Next, sir, let me bring before you the pious care that was taken of our allies under that treaty which is the subject of the company's applauses. These allies were Ragonaut Row, for whom we had engaged to find a throne; the Guickwar, (one of the Guzerat princes) who was to be emancipated from the Maratta authority, and to grow great by several accessions of dominion; and lastly, the rana of Gohud, with whom we had entered into a treaty of partition for eleven sixteenths of our joint conquests. Some of these inestimable securities, called *vague* articles, were inserted in favor of them all.

As to the first, the unhappy abdicated Peishwa, and pretender to the Maratta throne, Ragonaut Row was delivered up to his people, with an article for safety, and some provision. This man, knowing how little vague the hatred of his countrymen was towards him, and well apprized of what black crimes he stood accused (among which our invasion of his country would not appear the least) took a mortal alarm at the security we had provided for him. He was thunderstruck at the article in his favor, by which he was surrendered to his enemies. He never had the least notice of the treaty; and it was apprehended that he would fly to the protection of Hyder Ali, or some other, disposed or able to protect him. He was therefore not left without comfort; for Mr. Anderson did him the favor to send a special messenger, desiring him to

be of good cheer and to fear nothing. And his old enemy, Scindia, at our request, sent him a message equally well calculated to quiet his apprehensions.

By the same treaty the Guickwar was to come again, with no better security, under the dominion of the Maratta state. As to the rana of Gohud, a long negotiation depended for giving him up. At first this was refused by Mr. Hastings with great indignation; at another stage it was admitted as proper, because he had shewn himself a most perfidious person. But at length a method of reconciling these extremes was found out, by contriving one of the usual articles in his favor. What I believe will appear beyond all belief, Mr. Anderson exchanged the final ratifications of that treaty by which the rana was nominally secured in his possessions, in the camp of the Maratta chief, Scindia, whilst he was (really and not nominally) battering the castle of Gualior, which we had given, agreeably to treaty, to this deluded ally. Scindia had already reduced the town; and was at the very time, by various detachments, reducing, one after another, the fortresses of our protected ally, as well as in the act of chastising all the rajahs who had assisted colonel Carnac in his invasion. I have seen in a letter from Calcutta, that the rana of Gohud's agent would have represented these hostilities (which went hand in hand with the protecting treaty) to Mr. Hastings; but he was not admitted to his presence.

In this manner the company has acted with their allies in the Maratta war. But they did not rest here: the Marattas were fearful lest the persons delivered to them by that treaty should attempt to escape into the British territories, and thus might elude the punishment intended for them, and by reclaiming the treaty, might stir up new disturbances. To prevent this, they desired an article to be inserted in the supplemental treaty, to which they had the ready consent of Mr. Hastings, and the rest of the company's representatives in Bengal. It was this, "That the English and Maratta governments mutually agree not to afford refuge to any *chiefs, merchants, or other persons*, flying for protection to the ter-

ritories of the other." This was readily assented to, and assented to without any exception whatever, in favor of our surrendered allies. On their part a reciprocity was stipulated which was not unnatural for a government like the company's to ask; a government conscious that many subjects had been, and would in future be, driven to fly from its jurisdiction.

To complete the system of pacific intention and public faith, which predominate in these treaties, Mr. Hastings fairly resolved to put all peace, except on the terms of absolute conquest, wholly out of his own power. For, by an article in this second treaty with Scindia, he binds the company not to make any peace with Tippoo Saheb, without the consent of the peishwa of the Marattas; and binds Scindia to him by a reciprocal engagement. The treaty between France and England obliges us mutually to withdraw our forces, if our allies in India do not accede to the peace within four months; Mr. Hastings's treaty obliges us to continue the war as long as the peishwa thinks fit. We are now in that happy situation, that the breach of the treaty with France, or the violation of that with the Marattas, is inevitable; and we have only to take our choice.

My third assertion, relative to the abuse made of the right of war and peace is, that there are none who have ever confided in us who have not been utterly ruined. The examples I have given of Ragonaut Row, of Guickwar, of the rana of Gohud, are recent. There is proof more than enough in the condition of the mogul; in the slavery and indigence of the nabob of Oude; the exile of the rajah of Benares; the beggary of the nabob of Bengal; the undone and captive condition of the rajah and kingdom of Tanjour; the destruction of the Polygars; and lastly, in the destruction of the nabob of Arcot himself, who, when his dominions were invaded, was found entirely destitute of troops, provisions, stores, and (as he asserts) of money, being a million in debt to the company, and four millions to others: the many millions which he had extorted from so many extirpated princes and their desolated

countries having (as he has frequently hinted) been expended for the ground rent of his mansion-house in an alley in the suburbs of Madras. Compare the condition of all these princes with the power and authority of all the Maratta states; with the independence and dignity of the Soubah of the Decan; and the mighty strength, the resources, and the manly struggle of Hyder Ali; and then the house will discover the effects, on every power in India, of an easy confidence, or of a rooted distrust in the faith of the company.

These are some of my reasons, grounded on the abuse of the external political trust of that body, for thinking myself not only justified, but bound, to declare against those chartered rights which produce so many wrongs. I should deem myself the wickedest of men, if any vote of mine could contribute to the continuance of so great an evil.

Now, sir, according to the plan I proposed, I shall take notice of the company's internal government, as it is exercised first on the dependent provinces, and then as it affects those under the direct and immediate authority of that body. And here, sir, before I enter into the spirit of their interior government, permit me to observe to you, upon a few of the many lines of difference which are to be found between the vices of the company's government, and those of the conquerors who preceded us in India; that we may be enabled a little the better to see our way in an attempt to the necessary reformation.

The several eruptions of Arabs, Tartars, and Persians, into India were, for the greater part, ferocious, bloody, and wasteful in the extreme: our entrance into the dominion of that country was, as generally, with small comparative effusion of blood; being introduced by various frauds and delusions, and by taking advantage of the incurable, blind, and senseless animosity, which the several country powers bear towards each other, rather than by open force. But the difference in favor of the first conquerors is this: the Asiatic conquerors very soon abated of their ferocity, because they made the conquered country their own. They rose or fell with the rise

or fall of the territory they lived in. Fathers there deposited the hopes of their posterity; and children there beheld the monuments of their fathers. Here their lot was finally cast; and it is the natural wish of all, that their lot should not be cast in a bad land. Poverty, sterility, and desolation, are not a recreating prospect to the eye of man; and there are very few who can bear to grow old among the curses of a whole people. If their passion or their avarice drove the Tartar lords to acts of rapacity or tyranny, there was time enough, even in the short life of man, to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power, nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country flourished. Even avarice and usury itself operated, both for the preservation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity, but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the grey head of an Englishman. Young men (boys almost) govern there, without society, and without sympathy with the natives. They have no more social habits with the people, than if they still resided in England; nor indeed, any species of intercourse but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age, and all the impetuosity of youth, they roll in one after another; wave

after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman, is lost for ever to India. With us are no retributory superstitions, by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us, no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals,* no palaces, no schools; England has built no bridges, made no high roads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain, to tell that it had been possessed, during the inglorious period of our dominion, by any thing better than the ouran-outang or the tiger.

There is nothing in the boys we send to India worse, than in the boys whom we are whipping at school, or that we see trailing a pike, or bending over a desk at home. But as English youth in India drink the intoxicating draught of authority and dominion before their heads are able to bear it, and as they are full grown in fortune long before they are ripe in principle, neither nature nor reason have any opportunity to exert themselves for remedy of the excesses of their premature power. The consequences of their conduct, which in good minds, (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds, to be blown about, in every breaking up of the monsoon, over a remote and unhearing ocean. In India, all the vices operate by which sudden fortune is acquired; in England are often displayed by the same persons, the virtues which dispense

* The paltry foundation at Calcutta is scarcely worth naming as an exception.

hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation, at a board of elegance and hospitality. Here the manufacturer and husbandman will bless the just and punctual hand that in India has torn the cloth from the loom, or wrested the scanty portion of rice and salt from the peasant of Bengal, or wrung from him the very opium in which he forgot his oppressions and his oppressor. They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demands; they cherish and protect your relations, which lie heavy on your patronage; and there is scarcely an house in the kingdom that does not feel some concern and interest that makes all reform of our eastern government appear officious and disgusting; and on the whole, a most discouraging attempt. In such an attempt you hurt those who are able to return kindness, or to resent injury. If you succeed, you save those who cannot so much as give you thanks. All these things shew the difficulty of the work we have on hand: but they shew its necessity too. Our Indian government is in its best state a grievance. It is necessary that the correctives should be uncommonly vigorous; and the work of men, sanguine, warm, and even impassioned in the cause. But it is an arduous thing to plead against abuses of a power which originates from your own country, and affects those whom we are used to consider as strangers.

I shall certainly endeavor to modulate myself to this temper; though I am sensible that a cold style of describing actions which appear to me in a very affecting light, is equally contrary to the justice due to the people, and to all genuine human feelings about them. I ask pardon of truth and nature for this compliance. But I shall be very sparing of epithets either to persons or things. It has been said (and, with regard to one of them, with truth,) that Tacitus and Machiavel, by their cold way of relating enormous crimes, have in some sort appeared not to disapprove them; that they seem a sort of professors of the art of tyranny, and that they

corrupt the minds of their readers, by not expressing the detestation and horror that naturally belong to horrible and detestable proceedings. But we are in general, sir, so little acquainted with Indian details; the instruments of oppression under which the people suffer are so hard to be understood; and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. I am sure that some of us have come down stairs from the committee-room, with impressions on our minds, which to us were the inevitable results of our discoveries, yet if we should venture to express ourselves, in the proper language of our sentiments, to other gentlemen, not at all prepared to enter into the cause of them, nothing could appear more harsh and dissonant, more violent and unaccountable, than our language and behavior. All these circumstances are not, I confess, very favorable to the idea of our attempting to govern India at all. But there we are; there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty.

Upon the plan which I laid down, and to which I beg leave to return, I was considering the conduct of the company to those nations which are indirectly subject to their authority. The most considerable of the dependent princes is the nabob of Oude. My right honorable friend,* to whom we owe the remedial bills on your table, has already pointed out to you, in one of the reports, the condition of that prince, and as it stood in the time he alluded to. I shall only add a few circumstances that may tend to awaken some sense of the manner in which the condition of the people is affected by that of the prince, and involved in it; and to shew you, that when we talk of the sufferings of princes, we do not lament the oppression of individuals; and that in these cases the high and the low suffer together.

In the year 1779, the nabob of Oude represented, through

* Mr. Fox.

the British resident at his court, that the number of company's troops stationed in his dominions was a main cause of his distress; and that all those which he was not bound by treaty to maintain should be withdrawn, as they had greatly diminished his revenue, and impoverished his country. I will read you, if you please, a few extracts from these representations.

He states, "that the country and cultivation are abandoned; and this year in particular, from the excessive drought of the season, deductions of many lacks having been allowed to the farmers, who are still left unsatisfied;" and then he proceeds with a long detail of his own distress, and that of his family, and all his dependents; and adds, "that the new-raised brigade is not only quite useless to my government, but is moreover the cause of much loss, both in revenues and customs. The detached body of troops under European officers bring nothing *but confusion to the affairs of my government, and are entirely their own masters.*" Mr. Middleton, Mr. Hastings's confidential resident, vouches for the truth of this representation in its fullest extent. "I am concerned to confess, that there is too good ground for this plea. *The misfortune has been general throughout the whole of the vizier's* [the nabob of Oude] *dominions*, obvious to every body; and so *fatal* have been its consequences, that no person of either credit or character, would enter into engagements with government for farming the country." He then proceeds to give strong instances of the general calamity, and its effects.

It was now to be seen what steps the governor-general and council took for the relief of this distressed country, long laboring under the vexations of men, and now stricken by the hand of God. The case of a general famine is known to relax the severity even of the most rigorous government. Mr. Hastings does not deny, or show the least doubt of the fact. The representation is humble, and almost abject. On this representation from a great prince of the distress of his subjects, Mr. Hastings falls into a violent passion; such (as it seems) would be unjustifiable in any one who speaks of

any part of *his* conduct. He declares, that the *demands*, the *tone* in which they were asserted, and the *season* in which they were made, are all equally alarming, and appear to him to require an adequate degree of firmness in this board, in *opposition* to them." He proceeds to deal out very unreserved language, on the person and character of the nabob and his ministers. He declares, that in a division between him and the nabob, "*the strongest must decide.*" With regard to the urgent and instant necessity, from the failure of the crops, he says, "that *perhaps* expedients *may be found* for affording a *gradual* relief from the burthen of which he so heavily complains, and it shall be my endeavor to seek them out:" and lest he should be suspected of too much haste to alleviate sufferings, and to remove violence, he says, "that these must be *gradually* applied, and their complete *effect* may be *distant;* and this I conceive *is all* he can claim of right."

This complete effect of his lenity is distant indeed. Rejecting this demand, (as he calls the nabob's abject supplication) he attributes it, as he usually does all things of the kind, to the division in their government; and says, "this is a powerful motive with *me* (however inclined I might be, *upon any other occasion*, to yield to some *part* of his demand,) to give them an *absolute and unconditional refusal* upon the present; and even *to bring to punishment, if my influence can produce that effect, those incendiaries who have endeavored to make themselves the instruments of division between us.*"

Here, sir, is much heat and passion; but no more consideration of the distress of the country, from a failure of the means of subsistence, and (if possible) the worse evil of an useless and licentious soldiery, than if they were the most contemptible of all trifles. A letter is written in consequence, in such a style of lofty despotism, as I believe has hitherto been unexampled and unheard of in the records of the East. The troops were continued. The *gradual* relief, whose effect was to be so *distant*, has *never* been substantially and beneficially applied—and the country is ruined.

Mr. Hastings, two years after, when it was too late, saw the

absolute necessity of a removal of the intolerable grievance of this licentious soldiery, which, under pretence of defending it, held the country under military execution. A new treaty and arrangement, according to the pleasure of Mr. Hastings, took place; and this new treaty was broken in the old manner, in every essential article. The soldiery were again sent, and again set loose. The effect of all his manœuvres, from which it seems he was sanguine enough to entertain hopes, upon the state of the country, he himself informs us, "the event has proved the *reverse* of his hopes, and *accumulation of distress, debasement, and dissatisfaction* to the nabob, and *disappointment and disgrace to me.* Every measure [which he had himself proposed] has been *so conducted* as to give him cause of displeasure; there are no officers established by which his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed. A number of the districts without authority, and without the means of personal protection; some of them have been murdered by the zemindars, and those zemindars, instead of punishment, have been permitted to retain their zemindaries, with independent authority; *all* the other zemindars suffered to rise up in rebellion, and to insult the authority of the sircar, without any attempt made to suppress them; and the company's debt, instead of being discharged by the assignments and extraordinary sources of money provided for that purpose, *is likely to exceed even the amount at which it stood at the time in which the arrangement with his excellency was concluded.*" The house will smile at the resource on which the directors take credit as such a certainty in their curious account.

This is Mr. Hastings's own narrative of the effects of his own settlement. This is the state of the country which we have been told is in perfect peace and order; and, what is curious, he informs us, that *every part of this was foretold to him in the order and manner in which it happened*, at the very time he made his arrangement of men and measures.

The invariable course of the company's policy is this: Either they set up some prince too odious to maintain him-

self without the necessity of their assistance; or they soon render him odious, by making him the instrument of their government. In that case troops are bountifully sent to him to maintain his authority. That he should have no want of assistance, a civil gentleman, called a resident, is kept at his court, who, under pretence of providing duly for the pay of these troops, gets assignments on the revenue into his hands. Under his provident management, debts soon accumulate; new assignments are made for these debts; until, step by step, the whole revenue, and with it the whole power of the country, is delivered into his hands. The military do not behold without a virtuous emulation the moderate gains of the civil department. They feel that, in a country driven to habitual rebellion by the civil government, the military is necessary; and they will not permit their services to go unrewarded. Tracts of country are delivered over to their discretion. Then it is found proper to convert their commanding officers into farmers of revenue. Thus between the well-paid civil, and well-rewarded military establishment, the situation of the natives may be easily conjectured. The authority of the regular and lawful government is every where and in every point extinguished. Disorders and violences arise; they are repressed by other disorders and other violences. Wherever the collectors of the revenue and the farming colonels and majors move, ruin is about them, rebellion before and behind them. The people in crowds fly out of the country; and the frontier is guarded by lines of troops, not to exclude an enemy, but to prevent the escape of the inhabitants.

By these means, in the course of not more than four or five years, this once opulent and flourishing country, which, by the accounts given in the Bengal consultations, yielded more than three score of Sicca rupees, that is, above three millions sterling annually, is reduced, as far as I can discover, in a matter purposely involved in the utmost perplexity, to less than one million three hundred thousand pounds, and that exacted by every mode of rigor that can be devised. To complete the

business, most of the wretched remnants of this revenue are mortgaged, and delivered into the hands of the usurers at Benares, (for there alone are to be found some lingering remains of the ancient wealth of these regions) at an interest of near *thirty per cent. per annum.*

The revenues in this manner failing, they seized upon the estates of every person of eminence in the country, and under the name of *resumption*, confiscated their property. I wish, sir, to be understood universally and literally, when I assert, that there is not left one man of property and substance for his rank, in the whole of these provinces, in provinces which are nearly the extent of England and Wales taken together. Not one landholder, not one banker, not one merchant, not one even of those who usually perish last, the *ultimum moriens* in a ruined state, not one farmer of revenue.

One country for a while remained, which stood as an island in the midst of the grand waste of the company's dominion. My right honorable friend, in his admirable speech on moving the bill, just touched the situation, the offences, and the punishment of a native prince, called Fizulla Khân. This man, by policy and force, had protected himself from the general extirpation of the Rohilla chiefs. He was secured (if that were any security) by a treaty. It was stated to you, as it was stated by the enemies of that unfortunate man—"that the whole of his country *is* what the whole country of the Rohillas *was*, cultivated like a garden, without one neglected spot in it."—Another accuser says, "Fyzoolah Khan, though a bad soldier, [that is the true source of his misfortune] has approved himself a good aumil; having, it is supposed, in the course of a few years, at least *doubled* the population and revenue of his country."—In another part of the correspondence he is charged with making his country an asylum for the oppressed peasants, who fly from the territories of Oude. The improvement of his revenue, arising from this single crime, (which Mr. Hastings considers as tantamount to treason) is stated at an hundred and fifty thousand pounds a year.

Dr. Swift somewhere says, that he who could make two blades of grass grow where but one grew before, was a greater benefactor to the human race than all the politicians that ever existed. This prince, who would have been deified by antiquity, who would have been ranked with Osiris, and Bacchus, and Ceres, and the divinities most propitious to men, was, for those very merits, by name attacked by the company's government, as a cheat, a robber, a traitor. In the same breath in which he was accused as a rebel, he was ordered at once to furnish 5,000 horse. On delay, or (according to the technical phrase, when any remonstrance is made to them,) "*on evasion*," he was declared a violator of treaties, and every thing he had was to be taken from him. Not one word, however, of horse in this treaty.

The territory of this Fizulla Khân, Mr. Speaker, is less than the county of Norfolk. It is an inland country, full seven hundred miles from any sea-port, and not distinguished for any one considerable branch of manufacture whatsoever. From this territory several very considerable sums had at several times been paid to the British resident. The demand of cavalry, without a shadow or decent pretext of right, amounted to three hundred thousand a year more, at the lowest computation; and it is stated, by the last person sent to negotiate, as a demand of little use, if it could be complied with; but that the compliance was impossible, as it amounted to more than his territories could supply, if there had been no other demand upon him—three hundred thousand pounds a year from an inland country not so large as Norfolk!

The thing most extraordinary was to hear the culprit defend himself from the imputation of his virtues, as if they had been the blackest offences. He extenuated the superior cultivation of his country. He denied its population. He endeavored to prove that he had often sent back the poor peasant that sought shelter with him.—I can make no observation on this.

After a variety of extortions and vexations, too fatiguing to you, too disgusting to me, to go through with, they found

"that they ought to be in a better state to warrant forcible means;" they therefore contented themselves with a gross sum of one hundred and fifty thousand pounds for their present demand. They offered him indeed an indemnity from their exactions in future for three hundred thousand pounds more. But he refused to buy their securities; pleading (probably with truth) his poverty: but if the plea were not founded, in my opinion very wisely; not choosing to deal any more in that dangerous commodity of the company's faith; and thinking it better to oppose distress and unarmed obstinacy to uncolored exaction, than to subject himself to be considered as a cheat, if he should make a treaty in the least beneficial to himself.

Thus they executed an exemplary punishment on Fizulla Khân for the culture of his country. But, conscious that the prevention of evils is the great object of all good regulation, they deprived him of the means of increasing that criminal cultivation in future, by exhausting his coffers; and, that the population of his country should no more be a standing reproach and libel on the company's government, they bound him, by a positive engagement, not to afford any shelter whatsoever to the farmers and laborers who should seek refuge in his territories, from the exactions of the British residents in Oude. When they had done all this effectually, they gave him a full and complete acquittance from all charges of rebellion, or of any intention to rebel, or of his having originally had any interest in, or any means of rebellion.

These intended rebellions are one of the company's standing resources. When money has been thought to be heaped up any where, its owners are universally accused of rebellion, until they are acquitted of their money and their treasons at once. Their money once taken, all accusation, trial, and punishment ends. It is so settled a resource, that I rather wonder how it comes to be omitted in the director's account; but I take it for granted this omission will be supplied in their next edition.

The company stretched this resource to the full extent,

when they accused two old women, in the remotest corner of India (who could have no possible view or motive to raise disturbances) of being engaged in rebellion, with an intent to drive out the English nation, in whose protection, purchased by money and secured by treaty, rested the sole hope of their existence. But the company wanted money, and the old women *must* be guilty of a plot. They were accused of rebellion, and they were convicted of wealth. Twice had great sums been extorted from them, and as often had the British faith guaranteed the remainder. A body of British troops, with one of the military farmers general at their head, was sent to seize upon the castle in which these helpless women resided. Their chief eunuchs, who were their agents, their guardians, protectors, persons of high rank according to the Eastern manners, and of great trust, were thrown into dungeons, to make them discover their hidden treasures; and there they lie at present. The lands assigned for the maintenance of the women were seized and confiscated. Their jewels and effects were taken, and set up to a pretended auction in an obscure place, and bought at such a price as the gentlemen thought proper to give. No account has ever been transmitted of the articles or produce of this sale. What money was obtained is unknown, or what terms were stipulated for the maintenance of these despoiled and forlorn creatures; for by some particulars it appears as if an engagement of the kind was made.

Let me here remark, once for all, that though the act of 1773 requires that an account of all proceedings should be diligently transmitted, that this like all the other injunctions of the law, is totally despised; and that half at least of the most important papers are intentionally withheld.

I wish you, sir, to advert particularly, in this transaction, to the quality and the numbers of the persons spoiled, and the instrument by whom that spoil was made. These ancient matrons called the Begums, or Princesses, were of the first birth and quality in India, the one mother, the other wife, of the late nabob of Oude, Sujah Dowlah, a prince possessed of

[illegible] and flourishing dominions, and the second man in [illegible] empire. This prince (suspicious, and not unjustly [illegible] his son and successor) at his death committed [illegible] and his family to the British faith. That family [illegible] consisted of *two thousand women*; to which [illegible] other seraglios of near kindred, and said to [illegible] numerous, and (as I am well informed) of about [illegible] children, with all the eunuchs, the [illegible] and a multitude of the dependents of his [illegible] These were all to be provided, for present [illegible] establishment, from the lands assigned [illegible] the treasures which he left to these [illegible] the whole family.

[illegible] the spoil. The instrument chosen [illegible] the relict of Sujah Dowlah was [illegible] nabob of Oude. It was the pious [illegible] was selected to tear from his mother and [illegible] their age, the maintenance of his [illegible] household of his father. [Here [illegible] The laugh is *season-* [illegible]

[illegible] sum extorted remained [illegible] more, [illegible] ministers released [illegible] steady to their [illegible] write to the [illegible] acts he [illegible] "We desire," say [illegible] as March [illegible] means, have [illegible] the Begum [illegible] *recommend* [illegible] *means* for that

[illegible] demands on women [illegible] shall show you, sir, in a few [illegible] another of these plots and

rebellions, which *always*, in India, though so *rarely* any where else, are the offspring of an easy condition, and hoarded riches.

Benares is the capital city of the Indian religion. It is regarded as holy by a particular and distinguished sanctity; and the Gentoos in general think themselves as much obliged to visit it once in their lives as the Mahometans to perform their pilgrimage to Mecca. By this means that city grew great in commerce and opulence; and so effectually was it secured by the pious veneration of that people, that in all wars and in all violences of power, there was so sure an asylum, both for poverty and wealth, (as it were under a divine protection) that the wisest laws and best assured free constitution could not better provide for the relief of the one, or the safety of the other; and this tranquillity influenced to the greatest degree the prosperity of all the country, and the territory of which it was the capital. The interest of money there was not more than half the usual rate in which it stood in all other places. The reports have fully informed you of the means and of the terms in which this city and the territory called Gazipour, of which it was the head, came under the sovereignty of the East India Company.

If ever there was a subordinate dominion pleasantly circumstanced to the superior power, it was this: a large rent or tribute, to the amount of two hundred and sixty thousand pounds a year, was paid in monthly instalments with the punctuality of a dividend at the bank. If ever there was a prince who could not have an interest in disturbances, it was its sovereign, the rajah Cheit Sing. He was in possession of the capital of his religion, and a willing revenue was paid by the devout people who resorted to him from all parts. His sovereignty and his independence, except his tribute, was secured by every tie. His territory was not much less than half of Ireland, and displayed in all parts a degree of cultivation, ease, and plenty, under his frugal and paternal management, which left him nothing to desire, either for honor or satisfaction.

This was the light in which this country appeared to almost

every eye. But Mr. Hastings beheld it askance. Mr. Hastings tells us that it was *reported* of this Cheit Sing, that his father left him a million sterling, and that he made annual accessions to the hoard. Nothing could be so obnoxious to indigent power. So much wealth could not be innocent. The house is fully acquainted with the unfounded and unjust requisitions which were made upon this prince. The question has been most ably and conclusively cleared up in one of the reports of the select committee, and in an answer of the court of directors to an extraordinary publication against them by their servant, Mr. Hastings. But I mean to pass by these exactions, as if they were perfectly just and regular; and, having admitted them, I take what I shall now trouble you with, only as it serves to shew the spirit of the company's government, the mode in which it is carried on, and the maxims on which it proceeds.

Mr. Hastings, from whom I take the doctrine, endeavors to prove that Cheit Sing was no sovereign prince; but a mere zemindar or common subject, holding land by rent. If this be granted to him, it is next to be seen under what terms he is of opinion such a landholder, that is a British subject, holds his life and property under the company's government. It is proper to understand well the doctrines of the person whose administration has lately received such distinguished approbation from the company. His doctrine is—"that the company, or the *person delegated by it*, holds *an absolute* authority over such zemindars;—that he [such a subject] owes *an implicit* and *unreserved* obedience to its authority, at the *forfeiture* even of his *life* and *property*, at the DISCRETION of those who held *or fully represented* the sovereign authority;—and that *these* rights are *fully* delegated *to him* Mr. Hastings."

Such is a British governor's idea of the condition of a great zemindar holding under a British authority; and this kind of authority he supposes fully delegated to *him;* though no such delegation appears in any commission, instruction, or act of parliament. At his *discretion* he may demand, of the substance of any zemindar over and above his rent or tribute, even what

he pleases, with a sovereign authority; and if he does not yield an *implicit unreserved* obedience to all his commands, he forfeits his lands, his life, and his property, at Mr. Hastings's *discretion*. But, extravagant, and even frantic as these positions appear, they are less so than what I shall now read to you; for he asserts, that if any one should urge an exemption from more than a stated payment, or should consider the deeds, which passed between him and the board, "as bearing *the quality and force* of a treaty between equal states," he says, "that such an opinion is itself criminal to the state of which he is a subject; and that he was himself amenable to its justice, if he gave *countenance* to such a *belief*." Here is a new species of crime invented, that of countenancing a belief—but a belief of what? A belief of that which the court of directors, Hastings's masters, and a committee of this house, have decided as this prince's indisputable right.

But supposing the rajah of Benares to be a mere subject, and that subject a criminal of the highest form; let us see what course was taken by an upright English magistrate. Did he cite this culprit before his tribunal? Did he make a charge? Did he produce witnesses? These are not forms; they are parts of substantial and eternal justice. No, not a word of all this, Mr. Hastings concludes him, *in his own mind*, to be guilty; he makes this conclusion on reports, on hearsays, on appearances, on rumors, on conjectures, on presumptions; and even these never once hinted to the party, nor publicly to any human being, till the whole business was done.

But the governor tells you his motive for this extraordinary proceeding, so contrary to every mode of justice towards either a prince or a subject, fairly and without disguise; and he puts into your hands the key of his whole conduct:—"I will suppose, for a moment, that I have acted with unwarrantable rigor towards Cheit Sing, and even with injustice.—Let my MOTIVE be consulted. I left Calcutta, impressed with a belief that *extraordinary means* were necessary, and those exerted with a *steady hand*, to preserve the company's *interests from*

acts exercised by Mr. Hastings were done merely in his *private* character; and, if they had been moderate and just, would still be the acts of an usurped authority, and without any one of the legal modes of proceeding which could give him competence for the most trivial exertion of power. There was no proposition or deliberation whatsoever in council, no minute on record, by circulation or otherwise, to authorize his proceedings. No delegation of power to impose a fine, or to take any step to deprive the rajah of Benares of his government, his property, or his liberty. The minutes of consultation assign to his journey a totally different object, duty, and destination. Mr. Wheler, at his desire, tells us long after, that he had a confidential conversation with him on various subjects, of which this was the principal, in which Mr. Hastings notified to him his secret intentions; "and that he *bespoke* his support of the measures which he intended to pursue towards him (the rajah.)" This confidential discourse, and *bespeaking* of support, could give him no power, in opposition to an express act of parliament, and the whole tenor of the orders of the court of directors.

In what manner the powers thus usurped were employed, is known to the whole world. All the house knows, that the design on the rajah proved as unfruitful as it was violent. The unhappy prince was expelled, and his more unhappy country was enslaved and ruined; but not a rupee was acquired. Instead of treasure to recruit the company's finances, wasted by their wanton wars and corrupt jobs, they were plunged into a new war which shook their power in India to its foundation; and, to use the governor's own happy simile, might have dissolved it like a magic structure, if the talisman had been broken.

But the success is no part of my consideration, who should think just the same of this business, if the spoil of one rajah had been fully acquired, and faithfully applied to the destruction of twenty other rajahs. Not only the arrest of the rajah in his palace was unnecessary and unwarrantable, and calculated to stir up any manly blood which remained in his sub-

jects; but the despotic style, and the extreme insolence of language and demeanor, used to a person of great condition among the politest people in the world, was intolerable. Nothing aggravates tyranny so much as contumely. *Quicquid superbia in contumeliis* was charged by a great man of antiquity, as a principal head of offence against the governor general of that day. The unhappy people were still more insulted. A relation, but an *enemy* to the family, a notorious robber and villain, called Ussaum Sing, kept as a hawk in a mew, to fly upon this nation, was set up to govern there, instead of a prince honored and beloved. But when the business of insult was accomplished, the revenue was too serious a concern to be entrusted to such hands. Another was set up in his place, as guardian to an infant.

But here, sir, mark the effect of all these *extraordinary* means, of all this policy and justice. The revenues which had been hitherto paid with such astonishing punctuality, fell into arrear. The new prince guardian was deposed without ceremony; and with as little, cast into prison. The government of that once happy country has been in the utmost confusion ever since such good order was taken about it. But, to complete the contumely offered to this undone people, and to make them feel their servitude in all its degradation, and all its bitterness, the government of their sacred city, the government of that Benares which had been so respected by Persian and Tartar conquerors, though of the Mussulman persuasion, that, even in the plenitude of their pride, power and bigotry, no magistrate of that sect entered the place, was now delivered over by English hands to a Mahometan; and an Ali Ibrahim Khân was introduced, under the company's authority, with power of life and death, into the sanctuary of the Gentoo religion.

After this, the taking off a slight payment, cheerfully made by pilgrims to a chief of their own rites, was represented as a mighty benefit. It remains only to shew, through the conduct in this business, the spirit of the company's government, and the respect they pay towards other prejudices not

less regarded in the east than those of religion; I mean the reverence paid to the female sex in general, and particularly to women of high rank and condition. During the general confusion of the country of Gazypore, Panna, the mother of Cheit Sing, was lodged with her train in a castle called Bidgé Gur, in which were likewise deposited a large portion of the treasures of her son, or more probably her own. To whomsoever they belonged was indifferent; for though no charge of rebellion was made on this woman (which was rather singular, as it would have cost nothing) they were resolved to secure her with her fortune. The castle was besieged by major Popham.

There was no great reason to apprehend that soldiers ill paid, that soldiers who thought they had been defrauded of their plunder on former services of the same kind, would not have been sufficiently attentive to the spoil they were expressly come for; but the gallantry and generosity of the profession was justly suspected, as being likely to set bounds to military rapaciousness. The company's first civil magistrate discovered the greatest uneasiness lest the women should have any thing preserved to them. Terms, tending to put some restraint on military violence, were granted. He writes a letter to Mr. Popham, referring to some letter written before to the same effect, which I do not remember to have seen; but it shows his anxiety on this subject. Hear himself:—"I think *every* demand she has made on you, except that of safety and respect to her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or *any negotiation*, would soon obtain you the fort upon your own terms. I apprehend she will attempt to *defraud the captors of a considerable part of their booty, by being suffered to retire without examination.* But this is your concern, not mine. I should *be very sorry* that your officers and soldiers lost *any* part of the reward to which they are so well entitled; but you must be the best judge of the *promised* indulgence to the ranny: what you have engaged for I will certainly ratify; but as to suffering the ranny to hold the purgunna of

Hurlich, or any other zemindary, without being subject to the authority of the zemindar, *or any lands whatsoever*, or indeed making *any* condition with her for a *provision*, I will *never consent.*"

Here your governor stimulates a rapacious and licentious soldiery to the personal search of women, lest these unhappy creatures should avail themselves of the protection of their sex to secure any supply for their necessities; and he positively orders that no stipulation should be made for any provision for them. The widow and mother of a prince, well informed of her miserable situation, and the cause of it, a woman of this rank became a suppliant to the domestic servant of Mr. Hastings (they are his own words that I read); "imploring his intercession, that she may be relieved *from the hardships and dangers of her present situation;* and offering to surrender the fort, and the *treasure and valuable effects contained* in it, provided she can be assured *of safety and protection to her person and honor*, and to that of her family and attendants." He is so good as to consent to this, "provided she surrenders every thing of value, with the reserve *only* of such articles as *you* shall think *necessary* to her condition, or as you *yourself* shall be disposed to indulge her with. But should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is *my positive* injunction, that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints or *trifles* with me, after I have subjected *my duan* to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a *wanton* affront and indignity *which I can never forgive;* nor will I grant her *any* conditions whatever, but leave her exposed *to those* dangers which she has chosen to risk, rather than trust to the clemency and generosity of our government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send my duan to her." The dreadful secret hinted at by the merciful gov-

in the latter part of the letter, is well understood in where those who suffer corporeal indignities, generally the offences of others with their own blood. How- in spite of all these, the temper of the military did, some or other, operate. They came to terms which have been transmitted. It appears that a fifteenth *per cent.* plunder was reserved to the captives, of which the un- y mother of the prince of Benares was to have a share. ancient matron, born to better things [a laugh from young gentlemen]—I see no cause for this mirth. A author of antiquity reckons among the calamities of his *Noblissimarum fœminarum exilia et fugas.* I say, sir, ancient lady was compelled to quit her house with three ndred helpless women, and a multitude of children in her ; but the lower sort in the camp it seems could not be trained. They did not forget the good lessons of the vernor general. They were unwilling "to be defrauded of considerable part of their booty, by suffering them to pass ithout examination." They examined them, sir, with a ven- eance, and the sacred protection of that awful character, Mr. Hastings's maitre d'hotel, could not secure them from insult, nd plunder. Here is Popham's narrative of the affair:—"The anny came out of the fort, with her family and dependents, the 10th at night, owing to which such attention was not paid to her as I wished; and I am exceedingly sorry to inform you, that the *licentiousness of our followers was beyond the bounds of control; for, notwithstanding all I could do, her people were plundered on the road of most of the things which they brought out of the fort, by which means one of the articles of surrender has been much infringed.* The distress I have felt upon this occasion cannot be expressed, and can only be allayed by a firm performance of the other articles of the treaty, which I shall make it my business to enforce.

"The suspicions which the officers had of treachery, and the delay made to our getting possession, had enraged them, as well as the troops, so much, that the treaty was at first regarded as void, but this determination was soon succeeded

by pity and compassion for the unfortunate besieged." After this comes, in his due order, Mr. Hastings; who is full of sorrow and indignation, &c. &c. &c. according to the best and most authentic precedents established upon such occasions.

The women being thus disposed of, that is, completely despoiled, and pathetically lamented, Mr. Hastings at length recollected the great object of his enterprise, which, during his zeal lest the officers and soldiers should lose any part of their reward, he seems to have forgot; that is to say, "to draw from the rajah's guilt the means of relief to the company's distresses." This was to be the strong hold of his defence. This compassion to the company, he knew by experience would sanctify a great deal of rigor towards the natives. But the military had distresses of their own, which they considered first. Neither Mr. Hastings's authority, nor his supplications, could prevail on them to assign a shilling to the claim he made on the part of the company. They divided the booty amongst themselves. Driven from his claim, he was reduced to petition for the spoil as a loan. But the soldiers were too wise to venture as a loan, what the borrower claimed as a right. In defiance of all authority, they shared among themselves about two hundred thousand pounds sterling, besides what had been taken from the women.

In all this there is nothing wonderful. We may rest assured, that when the maxims of any government establish among its resources extraordinary means, and those exerted with a strong hand, that strong hand will provide those extraordinary means for *itself*. Whether the soldiers had reason or not (perhaps much might be said for them) certain it is, the military discipline of India was ruined from that moment; and the same rage for plunder, the same contempt of subordination, which blasted all the hopes of extraordinary means from your strong hand at Benares, have very lately lost you an army in Mysore. This is visible enough from the accounts in the last Gazette.

There is no doubt but that the country and city of Benares,

now brought into the same order, will very soon exhibit, if it does not already display, the same appearances with those countries and cities which are under better subjection. A great master, Mr. Hastings, has himself been at the pains of drawing a picture of one of these countries, I mean the province and city of Farruckabad. There is no reason to question his knowledge of the facts; and his authority (on this point at least) is above all exception, as well for the state of the country as for the cause. In his minute of consultation, Mr. Hastings describes forcibly the consequences which arise from the degradation into which we have sunk the native government. "The total want" (says he) "of all order, regularity, or authority, in his (the nabob of Farruckabad's) government, and to which, among other obvious causes, it may no doubt be owing that the country of Farruckabad is become *almost an entire waste, without cultivation or inhabitants;* that the capital, which, but a very short time ago, was distinguished as one of the most populous and opulent commercial cities in Hindostan, at present exhibits nothing but *scenes of the most wretched poverty, desolation, and misery;* and that the *nabob himself*, though in the possession of a tract of country which, with only common care, is notoriously capable of yielding an annual revenue of between thirty and forty lacks, (three or four hundred thousand pounds) with *no military establishment* to maintain, scarcely commands *the means of a bare subsistence.*

This is a true and unexaggerated picture, not only of Farruckabad, but of at least three fourths of the country which we possess, or rather lay waste, in India. Now, sir, the house will be desirous to know for what purpose this picture was drawn. It was for a purpose, I will not say laudable, but necessary, that of taking the unfortunate prince and his country out of the hands of a sequestrator sent thither by the nabob of Oude, the mortal enemy of the prince thus ruined, and to protect him by means of a British resident, who might carry his complaints to the superior resident at Oude, or transmit them to Calcutta. But mark how the reformer persisted in his reformation. The effect of the measure was better than

was probably expected. The prince began to be at ease; the country began to recover; and the revenue began to be collected. These were alarming circumstances. Mr. Hastings not only recalled the resident, but he entered into a formal stipulation with the nabob of Oude, never to send an English subject again to Farruckabad; and thus the country, described as you have heard by Mr. Hastings, is given up for ever to the very persons to whom he had attributed its ruin, that is, to the Sezawals or sequestrators of the nabob of Oude.

Such was the issue of the first attempt to relieve the distresses of the dependent provinces. I shall close what I have to say on the condition of the northern dependencies, with the effect of the last of these attempts. You will recollect, sir, the account I have not long ago stated to you as given by Mr. Hastings, of the ruined condition of the destroyer of others, the nabob of Oude, and of the recall, in consequence, of Hannay, Middleton, and Johnson. When the first little sudden gust of passion against these gentlemen was spent, the sentiments of old friendship began to revive. Some healing conferences were held between them and the superior government. Mr. Hannay was permitted to return to Oude; but death prevented the further advantages intended for him, and the future benefits proposed for the country by the provident care of the council general.

One of these gentlemen was accused of the grossest peculations. Two of them by Mr. Hastings himself, of what he considered as very gross offences. The court of directors were informed, by the governor general and council, that a severe inquiry would be instituted against the two survivors; and they requested that court to suspend its judgment, and to wait the event of their proceedings. A mock inquiry has been instituted, by which the parties could not be said to be either acquitted or condemned. By means of the bland and conciliatory dispositions of the charter governors, and proper private explanations, the public inquiry has in effect died away; the supposed peculators and destroyers of Oude repose in all security in the bosoms of their accusers; whilst others succeed to them to be instructed by their example.

It is only to complete the view I proposed of the conduct of the company, with regard to the dependent provinces, that I shall say *any* thing at all of the Carnatic, which is the scene, if possible, of greater disorder than the northern provinces. Perhaps it were better to say of this centre and metropolis of abuse, whence all the rest in India and in England diverge; from whence they are fed and methodized, what was said of Carthage—*de Carthagine satius est silere quam parum dicere.* This country, in all its denominations, is about forty-six thousand square miles. It may be affirmed universally, that not one person of substance or property, landed, commercial, or monied, excepting two or three bankers, who are necessary deposits and distributors of the general spoil, is left in all that region. In that country the moisture, the bounty of Heaven, is given but at a certain season. Before the era of our influence, the industry of man carefully husbanded that gift of God. The Gentoos preserved, with a provident and religious care, the precious deposit of the periodical rain in reservoirs, many of them works of royal grandeur; and from these, as occasion demanded, they fructified the whole country. To maintain these reservoirs, and to keep up an annual advance to the cultivators, for seed and cattle, formed a principal object of the piety and policy of the priests and rulers of the Gentoo religion.

This object required a command of money; and there was no pollam, or castle, which in the happy days of the Carnatic was without some hoard of treasure, by which the governors were enabled to combat with the irregularity of the seasons, and to resist or to buy off the invasion of an enemy. In all the cities were multitudes of merchants and bankers, for all occasions of monied assistance; and on the other hand, the native princes were in condition to obtain credit from them. The manufacturer was paid by the return of commodities, or by imported money, and not, as at present, in the taxes that had been originally exacted from his industry. In aid of casual distress, the country was full of choultries, which were inns and hospitals, where the traveller and the poor were

relieved. All ranks of people had their place in the public concern, and their share in the common stock and common prosperity; but *the chartered rights of men*, and the right which it was thought proper to set up in the nabob of Arcot, introduced a new system. It was their policy to consider hoards of money as crimes; to regard moderate rents as frauds on the sovereign; and to view, in the lesser princes, any claim of exemption from more than settled tribute, as an act of rebellion. Accordingly all the castles were, one after the other, plundered and destroyed. The native princes were expelled; the hospitals fell to ruin; the reservoirs of water went to decay; the merchants, bankers, and manufacturers disappeared; and sterility, indigence, and depopulation, overspread the face of these once flourishing provinces.

The company was very early sensible of these mischiefs, and of their true cause. They gave precise orders "that the native princes, called polygars, should *not be extirpated*." "The rebellion [so they choose to call it] of the polygars, may (they fear) *with too much justice*, be attributed to the mal-administration of the nabob's collectors." They observe with concern, that their "troops have been put to *disagreeable* services." They might have used a stronger expression without impropriety. But they make amends in another place. Speaking of the polygars, the directors say, that "it was repugnant to humanity to *force* them to such dreadful extremities *as they underwent:*" That some examples of severity *might* be necessary, "when they fell into the nabob's hands," *and not by the destruction of the country:* "That *they fear* his government is *none of the mildest;* and that there is *great oppression* in collecting his revenues." They state, that the wars in which he has involved the Carnatic, had been a cause of its distresses: "that these distresses have been certainly great; but those by *the nabob's oppressions* they believe *to be greater than all.*" Pray, sir, attend to the reason for their opinion that the government of this their instrument is more calamitous to the country than the ravages of war. Because, say they, his oppressions are "*without intermission.*

The others are temporary; by all which *oppressions* we believe the nabob has great wealth in store." From this store neither he nor they could derive any advantage whatsoever upon the invasion of Hyder Ali in the hour of their greatest calamity and dismay.

It is now proper to compare these declarations with the company's conduct. The principal reason which they assigned against the *extirpation* of the polygars was, that the *weavers* were protected in their fortresses. They might have added, that the company itself, which stung them to death, had been warmed in the bosom of these unfortunate princes; for, on the taking of Madras by the French, it was in their hospitable pollams, that most of the inhabitants found refuge and protection. But, notwithstanding all these orders, reasons, and declarations, they at length gave an indirect sanction, and permitted the use of a very direct and irresistible force, to measures which they had, over and over again, declared to be false policy, cruel, inhuman, and oppressive. Having, however, forgot all attention to the princes and the people, they remembered that they had some sort of interest in the trade of the country; and it is matter of curiosity to observe the protection which they afforded to this their natural object.

Full of anxious cares on this head, they direct, "that in reducing the polygars they (their servants) were to be *cautious*, not to deprive the *weavers and manufacturers* of the protection they often met with in the strong holds of the polygar countries;" and they write to their instrument, the nabob of Arcot, concerning these poor people in a most pathetic strain. "We *entreat* your excellency (say they) in particular, to make the manufacturers the object of your *tenderest care;* particularly when you *root out* the polygars, you do not deprive the *weavers of the protection they enjoyed under them.*" When they root out the protectors in favor of the oppressor, they shew themselves religiously cautious of the rights of the protected. When they extirpate the shepherd and the shepherd's dog, they piously recommend the helpless flock to the

mercy, and even to the *tenderest care*, of the wolf. This is the uniform strain of their policy, strictly forbidding, and at the same time strenuously encouraging and enforcing, every measure that can ruin and desolate the country committed to their charge. After giving the company's idea of the government of this their instrument, it may appear singular, but it is perfectly consistent with their system, that, besides wasting for him, at two different times, the most exquisite spot upon the earth, Tanjour, and all the adjacent countries, they have even voluntarily put their own territory, that is, a large and fine country adjacent to Madras, called their jaghire, wholly out of their protection; and have continued to farm their subjects, and their duties towards these subjects, to that very nabob, whom they themselves constantly represent as an habitual oppressor, and a relentless tyrant. This they have done without any pretence of ignorance of the objects of oppression for which this prince has thought fit to become their renter; for he has again and again told them, that it is for the sole purpose of exercising authority he holds the jaghire lands; and he affirms (and I believe with truth) that he pays more for that territory than the revenues yield. This deficiency he must make up from his other territories; and thus, in order to furnish the means of oppressing one part of the Carnatic, he is led to oppress all the rest.

The house perceives that the livery of the company's government is uniform. I have described the condition of the countries indirectly, but most substantially, under the company's authority. And now I ask, whether, with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended public faith, the management of these countries in those hands? If I kept such a faith, (which in reality is no better than a *fides latronum*) with what is called the company, I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.

As I have dwelt so long on these who are indirectly under

the company's administration, I will endeavor to be a little shorter upon the countries immediately under this charter government. These are the Bengal provinces. The condition of these provinces is pretty fully detailed in the sixth and ninth reports, and in their appendixes. I will select only such principles and instances as are broad and general. To your own thoughts I shall leave it, to furnish the detail of oppressions involved in them. I shall state to you, as shortly as I am able, the conduct of the company; 1st, towards the landed interests; next, the commercial interests; 3dly, the native government; and lastly, to their own government.

Bengal, and the provinces that are united to it, are larger than the kingdom of France; and once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of freeholders, of lower tenants, of religious communities, and public foundations. So early as 1769, the company's servants perceived the decay into which these provinces had fallen under English administration, and they made a strong representation upon this decay, and what they apprehended to be the causes of it. Soon after this representation, Mr. Hastings became president of Bengal. Instead of administering a remedy to this melancholy disorder, upon the heels of a dreadful famine, in the year 1772, the succor which the new president and the council lent to this afflicted nation was—shall I be believed in relating it?—the landed interest of a whole kingdom, of a kingdom to be compared to France, was set up to public auction! They set up (Mr. Hastings set up) the whole nobility, gentry, and freeholders, to the highest bidder. No preference was given to the ancient proprietors. They must bid against every usurer, every temporary adventurer, every jobber and schemer, every servant of every European, or they were obliged to content themselves, in lieu of their extensive domains, with their house, and such a pension as the state auctioneers thought fit to assign. In this general calamity, several of the first nobility thought (and in all appearance justly) that they had

better submit to the necessity of this pension, than continue under the name of zemindars, the objects and instruments of a system, by which they ruined their tenants, and were ruined themselves. Another reform has since come upon the back of the first: and a pension having been assigned to these unhappy persons, in lieu of their hereditary lands, a new scheme of economy has taken place, and deprived them of that pension.

The menial servants of Englishmen, persons (to use the emphatical phrase of a ruined and patient eastern chief) "*whose fathers they would not have set with the dogs of their flock.*" entered into their patrimonial lands. Mr. Hastings's banian was, after this auction, found possessed of territories yielding a rent of one hundred and forty thousand pounds a year.

Such an universal proscription, upon any pretence, has few examples. Such a proscription, without even a pretence of delinquency, has none. It stands by itself. It stands as a monument to astonish the imagination, to confound the reason of mankind. I confess to you, when I first came to know this business in its true nature and extent, my surprise did a little suspend my indignation. I was in a manner stupefied by the desperate boldness of a few obscure young men, who, having obtained, by ways which they could not comprehend, a power of which they saw neither the purpose nor the limits, tossed about, subverted, and tore to pieces, as if it were in the gambols of a boyish unluckiness and malice, the most established rights, and the most ancient and most revered institutions, of ages and nations. Sir, I will not now trouble you with any detail with regard to what they have since done with these same lands and land-holders: only to inform you, that nothing has been suffered to settle for two seasons together upon any basis; and that the levity and inconstancy of these mock legislators were not the least afflicting parts of the oppressions suffered under their usurpation: nor will any thing give stability to the property of the natives, but an administration in England at once protecting and stable.

The country sustains, almost every year, the miseries of a revolution. At present, all is uncertainty, misery, and confusion. There is to be found through these vast regions no longer one landed man, who is a resource for voluntary aid, or an object for particular rapine. Some of them were, not long since, great princes; they possessed treasures, they levied armies. There was a zemindar in Bengal (I forget his name) that, on the threat of an invasion, supplied the soubah of these provinces with the loan of a million sterling. The family at this day wants credit for a breakfast at the bazar.

I shall now say a word or two on the company's care of the commercial interest of those kingdoms. As it appears in the reports, that persons in the highest stations in Bengal have adopted, as a fixed plan of policy, the destruction of all intermediate dealers between the company and the manufacturer, native merchants have disappeared of course. The spoil of the revenues is the sole capital which purchases the produce and manufactures; and through three or four foreign companies transmits the official gains of individuals to Europe. No other commerce has an existence in Bengal. The transport of its plunder is the only traffic of the country. I wish to refer you to the appendix to the ninth report for a full account of the manner in which the company have protected the commercial interests of their dominions in the east.

As to the native government and the administration of justice, it subsisted in a poor tottering manner for some years. In the year 1781, a total revolution took place in that establishment. In one of the usual freaks of legislation of the council of Bengal, the whole criminal jurisdiction of these courts, called the Phoujdary Judicature, exercised till then by the principal Mussulmen, was in one day, without notice, without consultation with the magistrates or the people there, and without communication with the directors or ministers here, totally subverted. A new institution took place, by which this jurisdiction was divided between certain English servants of the company and the Gentoo zemindars of the country,

the latter of whom never petitioned for it, nor, for aught that appears, ever desired this boon. But its natural use was made of it; it was made a pretence for new extortions of money.

The natives had however one consolation in the ruin of their judicature; they soon saw that it fared no better with the English government itself. That too, after destroying every other, came to its period. This revolution may well be rated for a most daring act, even among the extraordinary things that have been doing in Bengal since our unhappy acquisition of the means of so much mischief.

An establishment of English government for civil justice, and for the collection of revenue, was planned and executed by the president and council of Bengal, subject to the pleasure of the directors, in the year 1772. According to this plan, the country was divided into six districts, or provinces. In each of these was established a provincial council, which administered the revenue; and of that council one member by monthly rotation, presided in the courts of civil resort; with an appeal to the council of the province, and thence to Calcutta. In this system (whether, in other respects, good or evil,) there were some capital advantages. There was in the very number of persons in each provincial council, authority, communication, mutual check, and control. They were obliged, on their minutes of consultation, to enter their reasons and dissents; so that a man of diligence, of research, and tolerable sagacity, sitting in London, might, from these materials, be enabled to form some judgment of the spirit of what was going on on the furthest banks of the Ganges and Burrampooter.

The court of directors so far ratified this establishment, (which was consonant enough to their general plan of government) that they gave precise orders, that no alteration should be made in it, without their consent. So far from being apprized of any design against this constitution, they had reason to conceive that on trial it had been more and more approved by their council general, at least by the governor

general, who had planned it. At the time of the revolution, the council general was nominally in two persons, virtually in one. At that time measures of an arduous and critical nature ought to have been forborne, even if, to the fullest council, this specific measure had not been prohibited by the superior authority. It was in this very situation, that one man had the hardiness to conceive, and the temerity to execute, a total revolution in the form and the persons composing the government of a great kingdom. Without any previous step, at one stroke, the whole constitution of Bengal, civil and criminal, was swept away. The counsellors were recalled from their provinces. Upwards of fifty of the principal officers of government were turned out of employ, and rendered dependent on Mr. Hastings for their immediate subsistence, and for all hope of future provision. The chief of each council, and one European collector of revenue, was left in each province.

But here, sir, you may imagine a new government, of some permanent description, was established in the place of that which had been thus suddenly overturned. No such thing. Lest these chiefs without councils should be conceived to form the ground plan of some future government, it was publicly declared that their continuance was only temporary and permissive. The whole subordinate British administration of revenue was then vested in a committee in Calcutta, all creatures of the governor general; and the provincial management, under the permissive chief, was delivered over to native officers.

But, that the revolution, and the purposes of the revolution might be complete, to this committee were delegated, not only the functions of all the inferior, but, what will surprise the house, those of the supreme administration of revenue also. Hitherto the governor general and council had, in their revenue department, administered the finances of those kingdoms. By the new scheme, they are delegated to this committee, who are only to report their proceedings for approbation.

The key to the whole transaction is given in one of the instructions to the committee, "that it is not necessary that they should enter dissents." By this means the ancient plan of the company's administration was destroyed; but the plan of concealment was perfected. To that moment the accounts of the revenues were tolerably clear; or at least means were furnished for inquiries, by which they might be rendered satisfactory. In the obscure and silent gulf of this committee every thing is now buried. The thickest shades of night surround all their transactions. No effectual means of detecting fraud, mismanagement, or misrepresentation, exist. The directors, who have dared to talk with such confidence on their revenues, know nothing about them. What used to fill volumes, is now comprised under a few dry heads on a sheet of paper. The natives, a people habitually made to concealment, are the chief managers of the revenue throughout the provinces. I mean by natives, such wretches as your rulers select out of them as most fitted for their purposes. As a proper key-stone to bind the arch, a native, one Gunga Govind Sing, a man turned out of his employment by Sir John Clavering, for malversation in office, is made the corresponding secretary; and indeed the great moving principle of their new board.

As the whole revenue and civil administration was thus subverted, and a clandestine government substituted in the place of it, the judicial institution underwent a like revolution. In 1772 there had been six courts formed out of the six provincial councils. Eighteen new ones are appointed in their place, with each a judge, taken from the *junior* servants of the country. To maintain these eighteen courts, a tax is levied on the sums in litigation, of 2½ *per cent.* on the great, and of 5 *per cent.* on the less. This money is all drawn from the provinces to Calcutta. The chief justice (the same who stays in defiance of a vote of this house, and of his majesty's recall,) is appointed at once the treasurer and disposer of these taxes, levied, without any sort of authority, from the company, from the crown, or from parliament.

In effect, sir, every legal regular authority in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding, to guide them in India, is at present the state of your charter-government over great kingdoms.

As the company has made this use of their trust, I should ill discharge mine, if I refused to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interests of this nation, and of mankind, into some steady hands, possessing the confidence, and assured of the support of this house, until they can be restored to regularity, order, and consistency.

I have touched the heads of some of the grievances of the people, and the abuses of government. But I hope and trust, you will give me credit, when I faithfully assure you, that I have not mentioned one fourth part of what has come to my knowledge in your committee; and further, I have full reason to believe, that not one fourth part of the abuses are come to my knowledge, by that or by any other means. Pray consider what I have said only as an index to direct you in your inquiries.

If this then, sir, has been the use made of the trust of political powers internal and external, given by you in the charter, the next thing to be seen is the conduct of the company with regard to the commercial trust. And here I will make a fair offer:—If it can be proved that they have acted wisely, prudently, and frugally, as merchants, I shall pass by the whole mass of their enormities as statesmen. That they have not done this their present condition is proof sufficient. Their distresses are said to be owing to their wars. This is not wholly true. But if it were, is not that readiness to engage in wars which distinguishes them, and for which the committee of secrecy has so branded their politics, founded on the falsest principles of mercantile speculation.

The principle of buying cheap and selling dear is the first, the great foundation of mercantile dealing. Have they ever attended to this principle? Nay, for years have they not actually authorized in their servants a total indifference as to the prices they were to pay?

A great deal of strictness in driving bargains for whatever we contract, is another of the principles of mercantile policy. Try the company by that test! Look at the contracts that are made for them. Is the company so much as a good commissary to their own armies? I engage to select for you, out of the innumerable mass of their dealings, all conducted very nearly alike, one contract only, the excessive profits on which during a short term would pay the whole of their year's dividend. I shall undertake to shew, that upon two others, the inordinate profits given, with the losses incurred in order to secure those profits, would pay a year's dividend more.

It is a third property of trading men to see that their clerks do not divert the dealings of the master to their own benefit. It was the other day only, when their governor and council taxed the company's investment with a sum of fifty thousand pounds, as an inducement to persuade only seven members of their board of trade to give their *honor* that they would abstain from such profits upon that investment as they must have violated their *oaths* if they had made at all.

It is a fourth quality of a merchant to be exact in his accounts. What will be thought, when you have fully before you the mode of accounting made use of in the treasury of Bengal?—I hope you will have it soon. With regard to one of their agencies, when it came to the material part, the prime cost of the goods on which a commission of fifteen *per cent.* was allowed, to the astonishment of the factory to whom the commodities were sent, the accountant general reports that he did not think himself authorized to call for *vouchers* relative to this and other particulars,—because the agent was upon his *honor* with regard to them. A new principle of account upon honor seems to be regularly established in their dealings and their treasury, which in reality amounts to an entire annihilation of the principle of all accounts.

It is a fifth property of a merchant who does not meditate a fraudulent bankruptcy, to calculate his probable profits upon the money he takes up to vest in business. Did the company, when they bought goods on bonds bearing 8 *per cent.* interest, at ten and even twenty *per cent.* discount, even ask themselves a question concerning the possibility of advantage from dealing on these terms?

The last quality of a merchant I shall advert to, is the taking care to be properly prepared, in cash or goods, in the ordinary course of sale, for the bills which are drawn on them. Now I ask, whether they have ever calculated the clear produce of any given sales, to make them tally with the four millions of bills which are come and coming upon them, so as at the proper periods to enable the one to liquidate the other? No, they have not. They are now obliged to borrow money of their own servants to purchase their investment. The servants stipulate five *per cent.* on the capital they advance, if their bills should not be paid at the time when they become due; and the value of the rupee on which they charge this interest is taken at two shillings and a penny. Has the company ever troubled themselves to inquire whether their sales can bear the payment of that interest, and at that rate of exchange? Have they once considered the dilemma in which they are placed—the ruin of their credit in the East Indies, if they refuse the bills—the ruin of their credit and existence in England, if they accept them? Indeed no trace of equitable government is found in their politics; not one trace of commercial principle in their mercantile dealing; and hence is the deepest and maturest wisdom of parliament demanded, and the best resources of this kingdom must be strained, to restore them; that is, to restore the countries destroyed by the misconduct of the company, and to restore the company itself, ruined by the consequences of their plans for destroying what they were bound to preserve.

I required, if you remember, at my outset, a proof that these abuses were habitual. But surely this is not necessary for me to consider as a separate head; because I trust I have

made it evident beyond a doubt, in considering the abuses themselves, that they are regular, permanent and systematical.

I am now come to my last condition, without which, for one, I will never readily lend my hand to the destruction of any established government; which is, that in its present state, the government of the East India Company is absolutely incorrigible.

Of this great truth I think there can be little doubt, after all that has appeared in this house. It is so very clear, that I must consider the leaving any power in their hands, and the determined resolution to continue and countenance every mode and every degree of peculation, oppression, and tyranny, to be one and the same thing. I look upon that body incorrigible, from the fullest consideration both of their uniform conduct, and their present real and virtual constitution.

If they had not constantly been apprized of all the enormities committed in India under their authority; if this state of things had been as much a discovery to them as it was to many of us; we might flatter ourselves that the detection of the abuses would lead to their reformation. I will go further: If the court of directors had not uniformly condemned every act which this house or any of its committees had condemned; if the language in which they expressed their disapprobation against enormities and their authors had not been much more vehement and indignant than any ever used in this house, I should entertain some hopes. If they had not, on the other hand, as uniformly commended all their servants who had done their duty and obeyed their orders, as they had heavily censured those who rebelled; I might say, these people have been in an error, and when they are sensible of it they will mend. But when I reflect on the uniformity of their support to the objects of their uniform censure; and the state of insignificance and disgrace to which all of those have been reduced whom they approved; and that even utter ruin and premature death have been among the fruits of their favor; I must be convinced, that in this case, as in all others, hypocrisy is the only vice that never can be cured.

Attend, I pray you, to the situation and prosperity of Benfield, Hastings, and others of that sort. The last of these has been treated by the company with an asperity of reprehension that has no parallel. They lament, "that the power of disposing of their property for perpetuity, should fall into such hands." Yet for fourteen years, with little interruption, he has governed all their affairs, of every description, with an absolute sway. He has had himself the means of heaping up immense wealth; and, during that whole period, the fortunes of hundreds have depended on his smiles and frowns. He himself tells you he is encumbered with two hundred and fifty young gentlemen, some of them of the best families in England, all of whom aim at returning with vast fortunes to Europe in the prime of life. He has then two hundred and fifty of your children as his hostages for your good behavior; and loaded for years, as he has been, with the execrations of the natives, with the censures of the court of directors, and struck and blasted with the resolutions of this house, he still maintains the most despotic power ever known in India. He domineers with an overbearing sway in the assemblies of his pretended masters; and it is thought in a degree rash to venture to name his offences in this house, even as grounds of a legislative remedy.

On the other hand, consider the fate of those who have met with the applause of the directors. Colonel Monson, one of the best of men, had his days shortened by the applauses, destitute of the support of the company. General Clavering, whose panegyric was made in every despatch from England, whose hearse was bedewed with the tears, and hung round with the eulogies of the court of directors, burst an honest and indignant heart at the treachery of those who ruined him by their praises. Uncommon patience and temper, supported Mr. Francis awhile longer under the baneful influence of the commendation of the court of directors. His health, however, gave way at length; and, in utter despair, he returned to Europe. At his return the doors of the India House were shut to this man, who had been the object of their constant

admiration. He has indeed escaped with life, but he has forfeited all expectation of credit, consequence, party, and following. He may well say, *Me nemo ministro fur erit, atque ideo nulli comes exeo.* This man, whose deep reach of thought, whose large legislative conceptions, and whose grand plans of policy, make the most shining part of our reports, from whence we have all learned our lessons, if we have learned any good ones; this man, from whose materials those gentlemen who have least acknowledged it have yet spoken as from a brief; this man, driven from his employment, discountenanced by the directors, has had no other reward, and no other distinction, but that inward "sunshine of the soul" which a good conscience can always bestow upon itself. He has not yet had so much as a good word, but from a person too insignificant to make any other return, for the means with which he has been furnished for performing his share of a duty which is equally urgent on us all.

Add to this, that from the highest in place to the lowest, every British subject, who, in obedience to the company's orders, has been active in the discovery of peculations, has been ruined. They have been driven from India. When they made their appeal at home they were not heard; when they attempted to return they were stopped. No artifice of fraud, no violence of power, has been omitted to destroy them in character as well as in fortune.

Worse, far worse, has been the fate of the poor creatures, the natives of India, whom the hypocrisy of the company has betrayed into complaint of oppression, and discovery of peculation. The first women in Bengal, the ranny of Rajeshahi, the ranny of Burdwan, the ranny of Amboa, by their weak and thoughtless trust in the company's honor and protection, are utterly ruined: the first of these women, a person of princely rank, and once of correspondent fortune, who paid above two hundred thousand a year quit-rent to the state, is, according to very credible information, so completely beggared as to stand in need of the relief of alms. Mahomed Reza Khân, the second Mussulman in Bengal, for having been dis-

tinguished by the ill-omened honor of the countenance and protection of the court of directors, was, without the pretence of any inquiry whatsoever into his conduct, stripped of all his employments, and reduced to the lowest condition. His ancient rival for power, the rajah Nundcomar, was, by an insult on every thing which India holds respectable and sacred, hanged in the face of all his nation, by the judges you sent to protect that people; hanged for a pretended crime upon an *ex post facto* British act of parliament, in the midst of his evidence against Mr. Hastings. The accuser they saw hanged. The culprit, without acquittal or inquiry, triumphs on the ground of that murder: a murder not of Nundcomar only, but of all living testimony, and even of evidence yet unborn. From that time not a complaint has been heard from the natives against their governors. All the grievances of India have found a complete remedy.

Men will not look to acts of parliament, to regulations, to declarations, to votes, and resolutions. No, they are not such fools. They will ask, what is the road to power, credit, wealth, and honors? They will ask, what conduct ends in neglect, disgrace, poverty, exile, prison, and gibbet? These will teach them the course which they are to follow. It is your distribution of these that will give the character and tone to your government. All the rest is miserable grimace.

When I accuse the court of directors of this habitual treachery, in the use of reward and punishment, I do not mean to include all the individuals in that court. There have been, sir, very frequently, men of the greatest integrity and virtue amongst them; and the contrariety in the declarations and conduct of that court has arisen, I take it, from this: that the honest directors have, by the force of matter of fact on the records, carried the reprobation of the evil measures of the servants in India. This could not be prevented, whilst these records stared them in the face; nor were the delinquents, either here or there, very solicitous about their reputation, as long as they were able to secure their power. The agreement of their partisans to censure them, blunted for

awhile the edge of a severe proceeding. It obtained for them a character of impartiality, which enabled them to recommend, with some sort of grace, what will always carry a plausible appearance, those treacherous expedients, called moderate measures. Whilst these were under discussion, new matter of complaint came over, which seemed to antiquate the first. The same circle was here trod round once more; and thus through years they proceeded in a compromise of censure for punishment; until, by shame and despair, one after another, almost every man, who preferred his duty to the company to the interest of their servants, has been driven from that court.

This, sir, has been their conduct; and it has been the result of the alteration which was insensibly made in their constitution. The change was made insensibly; but it is now strong and adult, and as public and declared, as it is fixed beyond all power of reformation. So that there is none who hears me, that is not as certain as I am, that the company, in the sense in which it was formerly understood, has no existence. The question is not, what injury you may do to the proprietors of India stock; for there are no such men to be injured. If the active ruling part of the company who form the general court, who fill the offices, and direct the measures, (the rest tell for nothing) were persons who held their stock as a means of their subsistence, who in the part they took were only concerned in the government of India, for the rise or fall of their dividend, it would be indeed a defective plan of policy. The interest of the people who are governed by them would not be their primary object; perhaps a very small part of their consideration at all. But then they might well be depended on, and perhaps more than persons in other respects preferable, for preventing the peculations of their servants to their own prejudice. Such a body would not easily have left their trade as a spoil to the avarice of those who received their wages. But now things are totally reversed. The stock is of no value, whether it be the qualification of a director or proprietor; and it is impossible that it should. A director's

qualification may be worth about two thousand five hundred pounds—and the interest, at eight *per cent.* is about one hundred and sixty pounds a year. Of what value is that, whether it rise to ten, or fall to six, or to nothing, to him whose son, before he is in Bengal two months, and before he descends the steps of the council chamber, sells the grant of a single contract for forty thousand pounds? Accordingly the stock is bought up in qualifications. The vote is not to protect the stock, but the stock is bought to acquire the vote; and the end of the vote is to cover and support, against justice, some man of power who has made an obnoxious fortune in India; or to maintain in power those who are actually employing it in the acquisition of such a fortune; and to avail themselves in return of his patronage, that he may shower the spoils of the east, "barbaric pearl and gold," on them, their families, and dependents. So that all the relations of the company are not only changed, but inverted. The servants in India are not appointed by the directors, but the directors are chosen by them. The trade is carried on with their capitals. To them the revenues of the country are mortgaged. The seat of the supreme power is in Calcutta. The house in Leadenhall street is nothing more than a change for their agents, factors, and deputies to meet in, to take care of their affairs, and support their interests; and this so avowedly, that we see the known agents of the delinquent servants marshaling and disciplining their forces, and the prime spokesmen in all their assemblies.

Every thing has followed in this order, and according to the natural train of events. I will close what I have to say on the incorrigible condition of the company, by stating to you a few facts that will leave no doubt of the obstinacy of that corporation, and of their strength too, in resisting the reformation of their servants. By these facts you will be enabled to discover the sole grounds upon which they are tenacious of their charter. It is now more than two years that, upon account of the gross abuses and ruinous situation of the company's affairs, (which occasioned the cry of the

whole world long before it was taken up here,) that we instituted two committees to inquire into the mismanagements by which the company's affairs had been brought to the brink of ruin. These inquiries had been pursued with unremitting diligence; and a great body of facts was collected and printed for general information. In the result of those inquiries, although the committees consisted of very different descriptions, they were unanimous. They joined in censuring the conduct or the Indian administration, and enforcing the responsibility upon two men, whom this house, in consequence of these reports, declared it to be the duty of the directors to remove from their stations and recall to Great Britain, "*because they had acted in a manner repugnant to the honor and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company.*"

Here was no attempt on the charter. Here was no question of their privileges. To vindicate their own honor, to support their own interests, to enforce obedience to their own orders; these were the sole object of the monitory resolution of this house. But as soon as the general court could assemble, they assembled to demonstrate who they really were. Regardless of the proceedings of this house, they ordered the directors not to carry into effect any resolution they might come to for the removal of Mr. Hastings and Mr. Hornby. The directors, still retaining some shadow of respect to this house, instituted an inquiry themselves, which continued from June to October; and after an attentive perusal and full consideration of papers, resolved to take steps for removing the persons who had been the objects of our resolution; but not without a violent struggle against evidence. Seven directors went so far as to enter a protest against the vote of their court. Upon this the general court takes the alarm; it re-assembles; it orders the directors to rescind their resolution, that is, not to recall Mr. Hastings and Mr. Hornby, and to despise the resolution of the house of commons. Without so much as the pretence of looking into a single paper, without the formality of instituting any committee of

inquiry, they superseded all the labors of their own directors, and of this house.

It will naturally occur to ask, how it was possible that they should not attempt some sort of examination into facts, as a color for their resistance to a public authority, proceeding so very deliberately; and exerted, apparently at least, in favor of their own? The answer, and the only answer which can be given, is, that they were afraid that their true relation should be mistaken. They were afraid that their patrons and masters in India should attribute their support of them to an opinion of their cause, and not to an attachment to their power. They were afraid it should be suspected, that they did not mean blindly to support them in the use they made of that power. They determined to shew that they at least were set against reformation; that they were firmly resolved to bring the territories, the trade, and the stock of the company, to ruin, rather than be wanting in fidelity to their nominal servants and real masters, in the ways they took to their private fortunes.

Even since the beginning of this session, the same act of audacity was repeated, with the same circumstances of contempt of all the decorum of inquiry on their part, and of all the proceedings of this house. They again made it a request to their favorite, and your culprit, to keep his post; and thanked and applauded him, without calling for a paper which could afford light into the merit or demerit of the transaction, and without giving themselves a moment's time to consider, or even to understand the articles of the Maratta peace. The fact is, that for a long time there was a struggle, a faint one indeed, between the company and their servants. But it is a struggle no longer. For some time the superiority has been decided. The interests abroad are become the settled preponderating weight both in the court of proprietors, and the court of directors. Even the attempt you have made to inquire into their practices and to reform abuses, has raised and piqued them to a far more regular and steady support. The company has made a common cause, and identi-

fied themselves, with the destroyers of India. They have taken on themselves all that mass of enormity; they are supporting what you have reprobated; those you condemn they applaud; those you order home to answer for their conduct, they request to stay, and thereby encourage to proceed in their practices. Thus the servants of the East India Company triumph, and the representatives of the people of Great Britain are defeated.

I therefore conclude, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands; just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world.

I will now say a few words to the general principle of the plan which is set up against that of my right honorable friend. It is to re-commit the government of India to the court of directors. Those who would commit the reformation of India to the destroyers of it, are the enemies to that reformation. They would make a distinction between directors and proprietors, which, in the present state of things, does not, cannot exist. But a right honorable gentleman says, he would keep the present government of India in the court of directors; and would, to curb them, provide salutary regulations;—wonderful! That is, he would appoint the old offenders to correct the old offences; and he would render the vicious and the foolish wise and virtuous, by salutary regulations. He would appoint the wolf as guardian of the sheep; but he has invented a curious muzzle, by which this protecting wolf shall not be able to open his jaws above an inch or two at the utmost. Thus his work is finished. But I tell the right honorable gentleman, that controlled depravity is not innocence; and that it is not the labor of delinquency in chains, that will correct abuses. Will these gentlemen of the direction animadvert on the partners of their own guilt? Never did a serious plan of amending of any old tyrannical establishment

propose the authors and abettors of the abuses as the reformers of them. If the undone people of India see their old oppressors in confirmed power, even by the reformation, they will expect nothing but what they will certainly feel, a continuance, or rather an aggravation, of all their former sufferings. They look to the seat of power, and to the persons who fill it; and they despise those gentlemen's regulations as much as the gentlemen do who talk of them.

But there is a cure for every thing. Take away, say they, the court of proprietors, and the court of directors will do their duty. Yes; as they have done it hitherto. That the evils in India have solely arisen from the court of proprietors, is grossly false. In many of them, the directors were heartily concurring; in most of them, they were encouraging, and sometimes commanding; in all, they were conniving.

But who are to choose this well-regulated and reforming court of directors?—Why, the very proprietors who are excluded from all management, for the abuse of their power. They will choose, undoubtedly, out of themselves, men like themselves; and those who are most forward in resisting your authority, those who are most engaged in faction or interest with the delinquents abroad, will be the objects of their selection. But gentlemen say, that when this choice is made, the proprietors are not to interfere in the measures of the directors, whilst those directors are busy in the control of their common patrons and masters in India. No, indeed, I believe they will not desire to interfere. They will choose those whom they know may be trusted, safely trusted, to act in strict conformity to their common principles, manners, measures, interests, and connections. They will want neither monitor nor control. It is not easy to choose men to act in conformity to a public interest against their private: but a sure dependence may be had on those who are chosen to forward their private interest, at the expense of the public. But if the directors should slip, and deviate into rectitude, the punishment is in the hands of the general court, and it will surely be remembered to them at their next election.

If the government of India wants no reformation; but gentlemen are amusing themselves with a theory, conceiving a more democratic or aristocratic mode of government for these dependencies, or if they are in a dispute only about patronage; the dispute is with me of so little concern, that I should not take the pains to utter an affirmative or negative to any proposition in it. If it be only for a theoretical amusement that they are to propose a bill; the thing is at best frivolous and unnecessary. But if the company's government is not only full of abuse, but is one of the most corrupt and destructive tyrannies, that probably ever existed in the world, (as I am sure it is) what a cruel mockery would it be in me, and in those who think like me, to propose this kind of remedy for this kind of evil!

I now come to the third objection. That this bill will increase the influence of the crown. An honorable gentleman has demanded of me, whether I was in earnest when I proposed to this house a plan for the reduction of that influence. Indeed, sir, I was much, very much, in earnest. My heart was deeply concerned in it; and I hope the public has not lost the effect of it. How far my judgment was right, for what concerned personal favor and consequence to myself, I shall not presume to determine; nor is its effect upon *me* of any moment. But as to this bill, whether it increases the influence of the crown, or not, is a question I should be ashamed to ask. If I am not able to correct a system of oppression and tyranny, that goes to the utter ruin of thirty millions of my fellow creatures and fellow subjects, but by some increase to the influence of the crown, I am ready here to declare, that I, who have been active to reduce it, shall be at least as active and strenuous to restore it again. I am no lover of names; I contend for the substance of good and protecting government, let it come from what quarter it will.

But I am not obliged to have recourse to this expedient. Much, very much the contrary. I am sure that the influence of the crown will by no means aid a reformation of this kind; which can neither be originated nor supported, but by

the uncorrupt public virtue of the representatives of the people of England. Let it once get into the ordinary course of administration, and to me all hopes of reformation are gone. I am far from knowing or believing, that this bill will increase the influence of the crown. We all know, that the crown has ever had some influence in the court of directors; and that it has been extremely increased by the acts of 1773 and 1780. The gentlemen who, as a part of their reformation, propose "a more active control on the part of the crown," which is to put the directors under a secretary of state, specially named for that purpose, must know, that their project will increase it further. But that old influence has had, and the new will have, incurable inconveniences which cannot happen under the parliamentary establishment proposed in this bill. An honorable gentleman,* not now in his place, but who is well acquainted with the India company, and by no means a friend to this bill, has told you, that a ministerial influence has always been predominant in that body; and that to make the directors pliant to their purposes, ministers generally caused persons meanly qualified to be chosen directors. According to his idea, to secure subserviency, they submitted the company's affairs to the direction of incapacity. This was to ruin the company, in order to govern it. This was certainly influence in the very worst form in which it could appear. At best it was clandestine and irresponsible. Whether this was done so much upon system as that gentleman supposes, I greatly doubt. But such in effect the operation of government on that court unquestionably was; and such, under a similar constitution, it will be for ever. Ministers must be wholly removed from the management of the affairs of India, or they will have an influence in its patronage. The thing is inevitable. Their scheme of a new secretary of state, "with a more vigorous control," is not much better than a repetition of the measure which we know by experience will not do. Since the year 1773 and the year

* Governor Johnstone.

1780, the company has been under the control of the secre tary of state's office, and we had then three secretaries o state. If more than this is done, then they annihilate th direction which they pretend to support; and they augmen the influence of the crown, of whose growth they affect s great an horror. But in truth this scheme of reconciling a direction really and truly deliberative, with an office really and substantially controlling, is a sort of machinery that can b kept in order but a very short time. Either the directors will dwindle into clerks, or the secretary of state, as hitherto has been the course, will leave every thing to them, often through design, often through neglect. If both should affect activity, collision, procrastination, delay, and in the end, utter confu sion must ensue.

But, sir, there is one kind of influence far greater than that of the nomination to office. This, gentlemen in opposition have totally overlooked, although it now exists in its full vigor; and it will do so, upon their scheme, in at least as much force as it does now. That influence this bill cuts up by the roots: I mean the *influence of protection*. I shall explain myself:—The office given to a young man going to India is of trifling consequence. But he that goes out an insignificant boy, in a few years returns a great nabob. Mr. Hastings says he has two hundred and fifty of that kind of raw materials, who expect to be speedily manufactured into the merchantable quality I mention. One of these gentlemen, suppose, returns hither, loaded with odium and with riches. When he comes to England, he comes as to a prison, or as to a sanctuary; and either is ready for him, according to his demeanor. What is the influence in the grant of any place in India, to that which is acquired by the protection or compromise with such guilt, and with the command of such riches, under the dominion of the hopes and fears which power is able to hold out to every man in that condition? That man's whole fortune, half a million perhaps, becomes an instrument of influence, without a shilling of charge to the civil list; and the influx of fortunes which stand in need of this protection is continual. It works

both ways; it influences the delinquent, and it may corrupt the minister. Compare the influence acquired by appointing for instance even a governor general, and that obtained by protecting him. I shall push this no further. But I wish gentlemen to roll it a little in their own minds.

The bill before you cuts off this source of influence. Its design and main scope is to regulate the administration of India upon the principles of a court of judicature; and to exclude, as far as human prudence can exclude, all possibility of a corrupt partiality, in appointing to office, or supporting in office, or covering from inquiry and punishment, any person who has abused or shall abuse his authority. At the board, as appointed and regulated by this bill, reward and punishment cannot be shifted and reversed by a whisper. That commission becomes fatal to cabal, to intrigue, and to secret representation, those instruments of the ruin of India. He that cuts off the means of premature fortune, and the power of protecting it when acquired, strikes a deadly blow at the great fund, the bank, the capital stock of Indian influence, which cannot be vested any where, or in any hands, without most dangerous consequences to the public.

The third and contradictory objection is, That this bill does not increase the influence of the crown. On the contrary, that the just power of the crown will be lessened, and transferred to the use of a party, by giving the patronage of India to a commission nominated by parliament, and independent of the crown. The contradiction is glaring, and it has been too well exposed to make it necessary for me to insist upon it. But passing the contradiction, and taking it without any relation, of all objections that is the most extraordinary. Do not gentlemen know, that the crown has not at present the grant of a single office under the company, civil or military, at home or abroad? So far as the crown is concerned, it is certainly rather a gainer; for the vacant offices in the new commission are to be filled up by the king.

It is argued as a part of the bill, derogatory to the prerogatives of the crown, that the commissioners named in the bill

are to continue for a short term of years, too short in my opinion; and because, during that time, they are not at the mercy of every predominant faction of the court. Does not this objection lie against the present directors; none of whom are named by the crown, and a proportion of whom hold for this very term of four years? Did it not lie against the governor general and council named in the act of 1773—who were invested by name, as the present commissioners are to be appointed in the body of the act of parliament, who were to hold their places for a term of years, and were not removable at the discretion of the crown? Did it not lie against the re-appointment, in the year 1780, upon the very same terms? Yet at none of these times, whatever other objections the scheme might be liable to, was it supposed to be a derogation to the just prerogative of the crown, that a commission created by act of parliament should have its members named by the authority which called it into existence? This is not the disposal by parliament of any office derived from the authority of the crown, or now disposable by that authority. It is so far from being any thing new, violent, or alarming, that I do not recollect, in any parliamentary commission, down to the commissioners of the land tax, that it has ever been otherwise.

The objection of the tenure for four years is an objection to all places that are not held during pleasure; but in that objection I pronounce the gentlemen, from my knowledge of their complexion and of their principles, to be perfectly in earnest. The party (say these gentlemen) of the minister who proposes this scheme will be rendered powerful by it; for he will name his party friends to the commission. This objection against party is a party objection; and in this too these gentlemen are perfectly serious. They see that if, by any intrigue, they should succeed to office, they will lose the *clandestine* patronage, the true instrument of clandestine influence, enjoyed in the name of subservient directors, and of wealthy trembling Indian delinquents. But as often as they are beaten off this ground, they return to it again. The min-

ister will name his friends, and persons of his own party. Whom should he name? Should he name his adversaries? Should he name those whom he cannot trust? Should he name those to execute his plans, who are the declared enemies to the principles of his reform? His character is here at stake. If he proposes for his own ends (but he never will propose) such names as, from their want of rank, fortune, character, ability, or knowledge, are likely to betray or to fall short of their trust, he is in an independent house of commons; in a house of commons which has, by its own virtue, destroyed the instruments of parliamentary subservience. This house of commons would not endure the sound of such names. He would perish by the means which he is supposed to pursue for the security of his power. The first pledge he must give of his sincerity in this great reform, will be in the confidence which ought to be reposed in those names.

For my part, sir, in this business I put all indirect considerations wholly out of my mind. My sole question, on each clause of the bill, amounts to this:—Is the measure proposed required by the necessities of India? I cannot consent totally to lose sight of the real wants of the people who are the objects of it, and to hunt after every matter of party squabble that may be started on the several provisions. On the question of the duration of the commission I am clear and decided. Can I, can any one who has taken the smallest trouble to be informed concerning the affairs of India, amuse himself with so strange an imagination, as that the habitual despotism and oppression, that the monopolies, the peculations, the universal destruction of all the legal authority of this kingdom, which have been for twenty years maturing to their present enormity, combined with the distance of the scene, the boldness and artifice of delinquents, their combination, their excessive wealth, and the faction they have made in England, can be fully corrected in a shorter term than four years? None has hazarded such an assertion—none, who has a regard for his reputation, will hazard it.

Sir, the gentlemen, whoever they are, who shall be appointed

to this commission, have an undertaking of magnitude on their hands, and their stability must not only be, but it must be thought, real; and who is it will believe, that any thing short of an establishment made, supported, and fixed in its duration, with all the authority of parliament, can be thought secure of a reasonable stability? The plan of my honorable friend is the reverse of that of reforming by the authors of the abuse. The best we could expect from them is, that they should not continue their ancient pernicious activity. To those we could think of nothing but applying *control;* as we are sure, that even a regard to their reputation (if any such thing exists in them) would oblige them to cover, to conceal, to suppress, and consequently to prevent, all cure of the grievances of India. For what can be discovered, which is not to their disgrace? Every attempt to correct an abuse would be a satire on their former administration. Every man they should pretend to call to an account, would be found their instrument or their accomplice. They can never see a beneficial regulation, but with a view to defeat it. The shorter the tenure of such persons, the better would be the chance of some amendment.

But the system of the bill is different. It calls in persons nowise concerned with any act censured by parliament; persons generated with, and for, the reform, of which they are themselves the most essential part. To these the chief regulations, in the bill are helps, not fetters; they are authorities to support, not regulations to restrain them. From these we look for much more than innocence. From these we expect zeal, firmness, and unremitted activity. Their duty, their character, binds them to proceedings of vigor; and they ought to have a tenure in their office which precludes all fear, whilst they are acting up to the purposes of their trust; a tenure without which, none will undertake plans that require a series and system of acts. When they know that they cannot be whispered out of their duty, that their public conduct cannot be censured without a public discussion; that the schemes which they have begun will not be committed

to those who will have an interest and credit in defeating and disgracing them; then we may entertain hopes. The tenure is for four years, or during their good behavior. That good behavior is as long as they are true to the principles of the bill; and the judgment is in either house of parliament. This is the tenure of your judges; and the valuable principle of the bill is to make a judicial administration for India. It is to give confidence in the execution of a duty, which requires as much perseverance and fortitude as can fall to the lot of any that is born of woman.

As to the gain by party, from the right honorable gentleman's bill, let it be shewn, that this supposed party advantage is pernicious to its object, and the objection is of weight; but until this is done, and this has not been attempted, I shall consider the sole objection, from its tendency to promote the interest of a party, as altogether contemptible. The kingdom is divided into parties, and it ever has been so divided, and it ever will be so divided; and if no system for relieving the subjects of this kingdom from oppression, and snatching its affairs from ruin, can be adopted until it is demonstrated that no party can derive an advantage from it, no good can ever be done in this country. If party is to derive an advantage from the reform of India, (which is more than I know, or believe,) it ought to be that party which alone, in this kingdom, has its reputation, nay its very being, pledged to the protection and preservation of that part of the empire. Great fear is expressed, that the commissioners named in this bill will shew some regard to a minister out of place. To men made like the objectors, this must appear criminal. Let it however be remembered by others, that if the commissioners should be his friends, they cannot be his slaves. But dependents are not in a condition to adhere to friends, nor to principles, nor to any uniform line of conduct. They may begin censors, and be obliged to end accomplices. They may be even put under the direction of those whom they were appointed to punish.

The fourth and last objection is, That the bill will hurt

public credit. I do not know whether this requires an answer. But if it does, look to your foundations. The sinking fund is the pillar of credit in this country; and let it not be forgot, that the distresses, owing to the mismanagement of the East India Company, have already taken a million from that fund by the non-payment of duties. The bills drawn upon the company, which are about four millions, cannot be accepted without the consent of the treasury.

The treasury, acting under a parliamentary trust and authority, pledges the public for these millions. If they pledge the public, the public must have a security in its hands for the management of this interest, or the national credit is gone. For otherwise it is not only the East India Company, which is a great interest, that is undone, but, clinging to the security of all your funds, it drags down the rest, and the whole fabric perishes in one ruin. If this bill does not provide a direction of integrity and of ability competent to that trust, the objection is fatal. If it does, public credit must depend on the support of the bill.

It has been said, if you violate this charter, what security has the charter of the bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, in the like case, they have no security at all. No—no security at all. If the bank should, by every species of mismanagement, fall into a state similar to that of the East India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment; no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept, when their purposes are maintained; they are violated, when the privilege is supported against its end and its object.

Now, sir, I have finished all I proposed to say, as my reasons for giving my vote to this bill. If I am wrong, it is not for want of pains to know what is right. This pledge, at least, of my rectitude I have given to my country.

And now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary; not so much in justice to him, as to my own feelings. I must say then, that it will be a distinction honorable to the age, that the rescue of the greatest number of the human race that ever were so grievously oppressed, from the greatest tyranny that was ever exercised, has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support, so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things; he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember, that obloquy is a necessary ingredient in the composition of all true glory: he will remember, that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind, which only exists for honor, under the burthen of temporary reproach. He is doing indeed a great good; such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he

may do much. But here is the summit. He never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults, there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom. That sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least, with truth, that he secures the rice in his pot to every man in India. A poet of antiquity thought it one of the first distinctions to a prince whom he meant to celebrate, that through a long succession of generations, he had been the progenitor of an able and vituous citizen, who, by force of the arts of peace, had corrected governments of oppression, and suppressed wars of rapine.

> Indole proh quanta juvenis, quantumque daturus
> Ausoniæ populis, ventura in sæcula civem.
> Ille super Gangem, super exanditus et Indos,
> Implebit terras voce; et furialia bella
> Fulmine compescet linguæ.——

This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this bill to be compared. But the Ganges and the Indus are the patrimony of the fame of my honorable friend, and not of Cicero. I confess, I anticipate with joy the reward of those, whose whole consequence, power, and authority, exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this bill, will bless the labors of this parliament, and the con-

fidence which the best house of commons has given to him who the best deserves it. The little cavils of party will not be heard, where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which will not bless the presiding care and manly beneficence of this house, and of him who proposes to you this great work. Your names will never be separated before the throne of the Divine Goodness, in whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in his universal bounty to his creatures. These honors you deserve, and they will surely be paid, when all the jargon of influence, and party, and patronage, are swept into oblivion.

I have spoken what I think, and what I feel, of the mover of this bill. An honorable friend of mine, speaking of his merits, was charged with having made a studied panegyric. I don't know what his was. Mine, I am sure, is a studied panegyric; the fruit of much meditation; the result of the observation of near twenty years. For my own part, I am happy that I have lived to see this day; I feel myself overpaid for the labors of eighteen years, when, at this late period, I am able to take my share, by one humble vote, in destroying a tyranny that exists to the disgrace of this nation, and the destruction of so large a part of the human species.

A

REPRESENTATION

TO HIS MAJESTY,

MOVED IN

THE HOUSE OF COMMONS,

BY

THE RIGHT HONORABLE EDMUND BURKE,

AND SECONDED BY

WILLIAM WINDHAM, ESQ.

ON MONDAY, JUNE 14, 1784, AND NEGATIVED.

WITH A

PREFACE AND NOTES.

PREFACE.

THE representation now given to the public relates to some of the most essential privileges of the house of commons. It would appear of little importance, if it were to be judged by its reception in the place where it was proposed. There it was rejected without debate. The subject matter may, perhaps, hereafter appear to merit a more serious consideration. Thinking men will scarcely regard the *penal* dissolution of a parliament as a very trifling concern. Such a dissolution must operate forcibly as an example; and it much imports the people of this kingdom to consider what lesson that example is to teach.

The late house of commons was not accused of an interested compliance to the will of a court. The charge against them was of a different nature. They were charged with being actuated by an extravagant spirit of independency. This species of offence is so closely connected with merit; this vice bears so near a resemblance to virtue; that the flight of a house of commons above the exact temperate medium of independence, ought to be correctly ascertained, lest we give encouragement to dispositions of a less generous nature, and less safe for the people; we ought to call for very solid and convincing proofs of the existence, and of the magnitude too of the evils, which are charged to an independent spirit, before we give sanction to any measure, that by checking a spirit so easily damped, and so hard to be excited, may affect the liberty of a part of our constitution, which, if not free, is worse than useless.

The Editor does not deny, that by possibility such an abuse may exist; but *primâ fronte*, there is no reason to presume it. The house of commons is not, by its complexion, peculiarly subject to the distempers of an independent habit. Very little compulsion is necessary, on the part of the people, to render it abundantly complaisant to ministers and favorites of all descriptions. It required a great length of time, very considerable industry and perseverance, no vulgar policy, the union of many men and many tempers, and the concurrence of events which do not happen every day, to build up an independent house of commons. Its demolition was accomplished in a moment; and it was the work of ordinary hands. But to construct is a matter of skill; to demolish, force and fury are sufficient.

The late house of commons has been punished for its independence. That example is made. Have we an example on record, of a house of commons punished for its servility? The rewards of a senate so disposed, are manifest to the world. Several gentlemen are very desirous of altering the constitution of the house of commons: but they must alter the frame and constitution of human nature itself, before they can so fashion it by any mode of election, that its conduct will not be influenced by reward and punishment; by fame, and by disgrace. If these examples take root in the minds of men, what members hereafter will be bold enough not to be corrupt? Especially as the king's high-way of obsequiousness is so very broad and easy. To make a passive member of parliament, no dignity of mind, no principles of honor, no resolution, no ability, no industry, no learning, no experience are in the least degree necessary. To defend a post of importance against a powerful enemy, requires an Elliot; a drunken invalid is qualified to hoist a white flag, or to deliver up the keys of the fortress on his knees.

The gentlemen chosen into this parliament, for the purpose of this surrender, were bred to better things; and are no doubt qualified for other service. But for this strenuous exertion of inactivity, for the vigorous task of submission and

passive obedience, all their learning and ability are rather a matter of personal ornament to themselves, than of the least use in the performance of their duty.

The present surrender, therefore, of rights and privileges, without examination, and the resolution to support any minister given by the secret advisers of the crown, determines not only on all the power and authority of the house, but it settles the character and description of the men who are to compose it; and perpetuates that character as long as it may be thought expedient to keep up a phantom of popular representation.

It is for the chance of some amendment before this new settlement takes a permanent form, and while the matter is yet soft and ductile, that the editor has republished this piece, and added some notes and explanations to it. His intentions, he hopes, will excuse him to the original mover, and to the world. He acts from a strong sense of the incurable ill effects of holding out the conduct of the late house of commons, as an example to be shunned by future representatives of the people.

MOTION

RELATIVE TO THE SPEECH FROM THE THRONE.

Lunæ, 14° *Die Junij*, 1784.

A MOTION was made, That a representation be presented to his majesty, most humbly to offer to his royal consideration, that the address of this house, upon his majesty's speech from the throne, was dictated solely by our conviction of his majesty's own most gracious intentions towards his people, which, as we feel with gratitude, so we are ever ready to acknowledge with cheerfulness and satisfaction.

Impressed with these sentiments, we were willing to separate from our general expressions of duty, respect, and veneration to his majesty's royal person and his princely virtues, all discussion whatever, with relation to several of the matters suggested, and several of the expressions employed in that speech.

That it was not fit or becoming, that any decided opinion should be formed by his faithful commons, on that speech, without a degree of deliberation adequate to the importance of the object. Having afforded ourselves due time for that deliberation, we do now most humbly beg leave to represent to his majesty, that, in the speech from the throne, his ministers have thought proper to use a language of a very alarming import, unauthorized by the practice of good times, and irreconcilable to the principles of this government.

Humbly to express to his majesty, that it is the privilege and duty of this house to guard the constitution from all in-

fringement on the part of ministers; and whenever the occasion requires it, to warn them against any abuse of the authorities committed to them: but it is very lately,* that in a manner not more unseemly than irregular and preposterous, ministers have thought proper, by admonition from the throne, implying distrust and reproach, to convey the expectations of the people to us, their sole representatives; † and have presumed to caution us, the natural guardians of the constitution, against any infringement of it on our parts.

This dangerous innovation we, his faithful commons, think it our duty to mark; and as these admonitions from the throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

This house will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents: nor do we desire to straiten any of the avenues to the throne, or to either house of parliament. But the ancient order, in which the rights of the people have been exercised, is not a restriction of these rights. It is a method providently framed in favor of those privileges, which it preserves and enforces by keeping in that course which has been found the most effectual for answering their ends. His majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense: and he may grant such redress as the legal powers of the crown enable the crown to afford. This, and the other house of parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his people his majesty is to receive from his commons in parliament assembled. It would destroy the whole spirit

* See King's Speech, Dec. 5, 1782, and May 19, 1784.

† "I will never submit to the doctrines I have heard this day from the woolsack, that the other house [house of commons] are the only representatives and guardians of the people's rights; I boldly maintain the contrary—I say this house [house of lords] *is equally the representatives of the people.*" *Lord Shelburne's speech, April* 8, 1778. Vide *Parliamentary Register*, vol. 10, page 392.

of the constitution, if his commons were to receive that sense from the ministers of the crown, or to admit them to be a proper or a regular channel for conveying it.

That the ministers in the said speech declare, "His majesty has a just and confident reliance, that we (his faithful commons) are animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which he had the happiness to see so fully manifested in every part of the kingdom."

To represent, that his faithful commons have never failed in loyalty to his majesty. It is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after his majesty has sat for so many years, with the full support of all descriptions of his subjects, on the throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful commons; as many circumstances lead us to apprehend that therein the ministers have reference to some other measures and principles of loyalty, and to some other ideas of the constitution, than the laws require, or the practice of parliament will admit.

No regular communication of the proofs of loyalty and attachment to the constitution, alluded to in the speech from the throne, have been laid before this house, in order to enable us to judge of the nature, tendency, or occasion of them; or in what particular acts they were displayed; but if we are to suppose the manifestations of loyalty (which are held out to us as an example for imitation) consist in certain addresses delivered to his majesty, promising support to his majesty in the exercise of his prerogative, and thanking his majesty for removing certain of his ministers, on account of the votes they have given upon bills depending in parliament,—if this be the example of loyalty alluded to in the speech from the throne, then we must beg leave to express our serious concern for the impression which has been made on any of our

fellow subjects by misrepresentations, which have seduced them into a seeming approbation of proceedings subversive of their own freedom. We conceive, that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of parliament which they were led to censure.

We shall act more advisedly.—The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming parliament.* Above all, we shall

* In that parliament the house of commons by two several resolutions put an end to the American war. Immediately on the change of ministry, which ensued, in order to secure their own independence, and to prevent the accumulation of new burthens on the people by the growth of a civil list debt, they passed the establishment bill. By that bill thirty-six offices tenable by members of parliament were suppressed; and an order of payment was framed, by which the growth of any fresh debt was rendered impracticable. The debt on the civil list from the beginning of the present reign had amounted to one million three hundred thousand pounds and upwards. Another act was passed for regulating the office of the paymaster general, and the offices subordinate to it. A million of public money had sometimes been in the hands of the paymasters: this act prevented the possibility of any money whatsoever being accumulated in that office in future. The offices of the exchequer, whose emoluments in time of war were excessive, and grew in exact proportion to the public burthens, were regulated; some of them suppressed, and the rest reduced to fixed salaries. To secure the freedom of election against the crown, a bill was passed to disqualify all officers concerned in the collection of the revenue in any of its branches from voting in elections; a most important act, not only with regard to its primary object, the freedom of election, but as materially forwarding the due collection of revenue. For the same end, (the preserving the freedom of election) the house rescinded the famous judgment relative to the Middlesex election, and expunged it from the journals. On the principle of reformation of their own house, connected with a principle of public economy, an act passed for rendering contractors with government incapable of a seat in parliament. The India Bill, (unfortunately lost in the house of lords) pursued the same idea to its completion; and disabled all servants of the East India Company from a seat in

take care that none of the rights and privileges, always claimed, and since the accession of his majesty's illustrious family constantly exercised by this house (and which we hold and exercise in trust for the commons of Great Britain, and for their benefit,) shall be constructively surrendered, or even weakened and impaired under ambiguous phrases, and implications of censure on the late parliamentary proceedings. If these claims are not well-founded, they ought to be honestly abandoned; if they are just, they ought to be steadily and resolutely maintained.

Of his majesty's own gracious disposition towards the true principles of our free constitution, his faithful commons never did, or could entertain a doubt: but we humbly beg leave to express to his majesty our uneasiness concerning other new and unusual expressions of his ministers, declaratory of a resolution "to support in their *just balance*, the rights and privileges of every branch of the legislature."

It were desirable that all hazardous theories concerning a balance of rights and privileges (a mode of expression wholly foreign to parliamentary usage) might have been forborne. His majesty's faithful commons are well instructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their ancestors: they are not unacquainted with the rights and privileges of the house of peers; and they know and respect the lawful prerogatives of the crown: but they do not think it safe to admit any thing concerning the existence of a balance of those rights, privileges, and prerogatives; nor are they able to discern to what objects ministers would apply their fiction of balance; nor what they would consider as a

that house for a certain time, and until their conduct was examined into and cleared. The remedy of infinite corruptions and of infinite disorders and oppressions, as well as the security of the most important objects of public economy, perished with that bill and that parliament. That parliament also instituted a committee to inquire into the collection of the revenue in all its branches, which prosecuted its duty with great vigor; and suggested several material improvements.

just one. These unauthorized doctrines have a tendency to stir improper discussions; and to lead to mischievous innovations in the constitution.*

That his faithful commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men, that on all occasions, resort should be had to the happy practice of parliament, and to those solid maxims of government which have prevailed since the accession of his majesty's illustrious family, as furnishing the only safe principles on which the crown and parliament can proceed.

* If these speculations are let loose, the house of lords may quarrel with their share of the legislature, as being limited with regard to the origination of grants to the crown and the origination of money bills. The advisers of the crown may think proper to bring its negative into ordinary use; and even to dispute, whether a mere negative, compared with the deliberative power, exercised in the other houses, be such a share in the legislature, as to produce a due balance in favor of that branch; and thus justify the previous interference of the crown, in the manner lately used. The following will serve to shew how much foundation there is for great caution, concerning these novel speculations. Lord Shelburne, in his celebrated speech, April 8th, 1778, expresses himself as follows: Vide *Parliamentary Register*, vol. x.

"The noble and learned lord on the woolsack, in the debate which opened the business of this day, asserted that your lordships were incompetent to make any alteration in a money bill, or a bill of supply. I should be glad to see the matter fully and fairly discussed, and the subject brought forward and argued upon precedent, as well as all its collateral relations. I should be pleased to see the question fairly committed, were it for no other reason, but to hear the sleek smooth contractors from the other house, come to this bar and declare, that they, and they only, *could frame a money bill;* and they, and they *only*, could dispose of the *property of the peers of Great Britain.* Perhaps some arguments more plausible than those I heard this day from the woolsack, to show that the commons have an uncontrollable, unqualified right, to bind your lordships' property, may be urged by them. At present, I beg leave to differ from the noble and learned lord; for until the claim, after a solemn discussion of the house, is openly and directly relinquished, I shall continue to be of opinion, that your lordships have a right to *alter*, *amend*, or reject a money bill."

The Duke of Richmond also, in his letter to the volunteers of Ireland, speaks of several of the powers exercised by the house of commons, in the light of usurpations; and his grace is of opinion, that when the people are restored to what he conceives to be their rights, in electing the house of commons, the other branches of the legislature ought to be restored to theirs. Vide *Remembrancer*, vol. xvi.

We think it the more necessary to be cautious on this head, as, in the last parliament, the present ministers had thought proper to countenance, if not to suggest, an attack upon the most clear and undoubted rights and privileges of this house.*

Fearing, from these extraordinary admonitions, and from the new doctrines, which seem to have dictated several unusual expressions, that his majesty has been abused by false representations of the late proceedings in parliament, we think it our duty respectfully to inform his majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the peers, by the late house of commons, in any of their addresses, votes, or resolutions: neither do we know of any proceeding by bill, in which it was proposed to abridge the extent of his royal prerogative: but, if such provision had existed in any bill, we protest, and we declare, against all speeches, acts or addresses, from any persons whatsoever, which have a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the throne. Necessary reformations may hereafter require, as they have frequently done in former times, limitations and abridgments, and in some cases an entire extinction of some branch of prerogative. If bills should be improper in the form in which they appear

* By an act of parliament, the directors of the East India Company are restrained from acceptance of bills drawn from India, beyond a certain amount, without the consent of the commissioners of the treasury. The late house of commons finding bills to an immense amount, drawn upon that body by their servants abroad, and knowing their circumstances to be exceedingly doubtful, came to a resolution providently cautioning the lords of the treasury against the acceptance of these bills, until the house should otherwise direct. The court lords then took occasion to declare against the resolution as illegal, by the commons undertaking to direct in the execution of a trust created by act of parliament. The house, justly alarmed at this resolution, which went to the destruction of the whole of its superintending capacity, and particularly in matters relative to its own province of money, directed a committee to search the journals, and they found a regular series of precedents, commencing from the remotest of those records, and carried on to that day, by which it appeared, that the house interfered by an authoritative advice and admonition, upon every act of executive government without exception; and in many much stronger cases than that which the lords thought proper to quarrel with.

in the house where they originate, they are liable, by the wisdom of this constitution, to be corrected, and even to be totally set aside, elsewhere. This is the known, the legal, and the safe remedy: but whatever, by the manifestation of the royal displeasure, tends to intimidate individual members from proposing, or this house from receiving, debating, and passing bills, tends to prevent even the beginning of every reformation in the state; and utterly destroys the deliberative capacity of parliament. We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the crown, in any mode whatever, for the votes which they give, or the propositions which they make, in parliament.

We humbly conceive, that besides its share of the legislative power, and its right of impeachment, that by the law and usage of parliament, this house has other powers and capacities, which it is bound to maintain. This house is assured, that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded; and that it will be followed by the same effects which it has ever produced, during the happy and glorious reigns of his majesty's royal progenitors; not doubting but that, in all those points, we shall be considered as a council of wisdom and weight to advise, and not merely as an accuser of competence to criminate.* This house claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for his majesty's, and the national service. Whenever we shall see it expedient to offer our advice concerning his majesty's servants, who are those of the public, we confidently hope, that the personal favor of any minister, or any set of ministers, will not be more dear to his majesty, than the credit and character of a house of commons. It is an experiment full of peril to put the rep-

* "I observe at the same time, that there is *no charge or complaint* suggested against my present ministers."—*The king's answer, 25th February, 1784, to the address of the house of commons.* Vide *Resolutions of the House of Commons, printed for Debrett*, p. 31.

resentative wisdom and justice of his majesty's people in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation from the authority of the commons of Great Britain in parliament assembled: it is a contrivance full of danger, for ministers to set up the representative and constituent bodies of the commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the crown. In such a situation of things, those advisers, taking advantage of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and the constituent bodies, as parties contending for credit and influence at the throne, sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the throne than that by the house of commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state as that ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect, or to reject it with scorn.

It is the undoubted prerogative of the crown to dissolve parliament; but we beg leave to lay before his majesty, that it is, of all the trusts vested in his majesty, the most critical and delicate, and that in which this house has the most reason to require, not only the good faith, but the favor of the crown. His commons are not always upon a par with his ministers in an application to popular judgment: it is not in the power of the members of this house to go to their election at the moment the most favorable for them. It is in the power of the crown to choose a time for their dissolution, whilst great and arduous matters of state and legislation are depending, which may be easily misunderstood, and which cannot

be fully explained before that misunderstanding may prove fatal to the honor that belongs, and to the consideration that is due, to members of parliament.

With his majesty is the gift of all the rewards, the honors, distinctions, favor, and graces of the state; with his majesty is the mitigation of all the rigors of the law; and we rejoice to see the crown possessed of trusts calculated to obtain good will, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing, counsel: we are to inquire and to accuse: and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connections: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free: what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the house of commons is seen and felt in every burthen that presses on the people. Whilst, ultimately, we are serving them, and in the first instance whilst we are serving his majesty, it will be hard, indeed, if we should see a house of commons the victim of its zeal and fidelity, sacrificed by his ministers to those very popular discontents which shall be excited by our dutiful endeavors for the security and greatness of his throne. No other consequence can result from such an example, but that, in future, the house of commons, consulting its safety at the expense of its duties, and suffering the whole energy of the state to be relaxed, will shrink from every service, which, however necessary, is of a great and arduous nature; or that, willing to provide for the public necessities, and, at the same time, to secure the means of performing that task, they will exchange independence for protection, and will court a subservient existence through the favor of those ministers of state, or those secret advisers, who ought themselves to stand in awe of the commons of this realm.

A house of commons, respected by his ministers, is essential to his majesty's service: it is fit that they should yield to parliament, and not that parliament should be new modeled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his majesty's advisers, but is to be set at naught the moment it differs from them, the house of commons will sink into a mere appendage of administration; and will lose that independent character which, inseparably connecting the honor and reputation with the acts of this house, enables us to afford a real, effective, and substantial support to his government. It is the deference shewn to our opinion, when we dissent from the servants of the crown, which alone can give authority to the proceedings of this house, when it concurs with their measures.

That authority once lost, the credit of his majesty's crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse with this nation, will look in vain for that hold which gave a connection with Great Britain the preference to an alliance with any other state. A house of commons, of which ministers were known to stand in awe, where every thing was necessarily discussed, on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith, which the engagement of no state dependent on the fluctuation of personal favor, and private advice, can ever pretend to. If faith with the house of commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain, which will not easily be healed.

'There was a great variance between the late house of commons and certain persons, whom his majesty has been advised to make and continue as ministers, in defiance of the advice of that house, is notorious to the world. That house did not confide in those ministers; and they withheld their confidence from them for reasons for which posterity will honor and respect the names of those who composed that

house of commons, distinguished for its independence. They could not confide in persons who have shewn a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurance which his majesty's people, and which all nations ought to have, of what are, and what are not, the real acts of his government.

If it should be seen that his ministers may continue in their offices, without any signification to them of his majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to his majesty's sacred person, can with impunity abuse that advantage, and employ his majesty's name to disavow and counteract the proceedings of his official servants, nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

This we lay before his majesty, with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government; an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorized, but not disavowed use which has been made of his majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonorable influence on the minds of the members of parliament, that ever was practised in this kingdom. No attention, even to the exterior decorum, in the practice of corruption, and intimidation employed on peers, was observed: several peers were obliged, under menaces, to retract their declarations, and to recall their proxies.

The commons have the deepest interest in the purity and integrity of the peerage. The peers dispose of all the property in the kingdom, in the last resort; and they dispose of it on their honor and not on their oaths, as all the members of every other tribunal in the kingdom must do; though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be made to peers of such a nature as may give room to call in question, much less to attaint, our sole security for all that we possess. This corrupt

proceeding appeared to the house of commons, who are the natural guardians of the purity of parliament, and of the purity of every branch of judicature, a most reprehensible and dangerous practice, tending to shake the very foundation of the authority of the house of peers; and they branded it as such by their resolution.

The house had not sufficient evidence to enable them legally to punish this practice, but they had enough to caution them against all confidence in the authors and abettors of it. They performed their duty in humbly advising his majesty against the employment of such ministers; but his majesty was advised to keep those ministers, and to dissolve that parliament. The house, aware of the importance and urgency of its duty with regard to the British interests in India, which were and are in the utmost disorder, and in the utmost peril, most humbly requested his majesty not to dissolve the parliament during the course of their very critical proceedings on that subject. His majesty's gracious condescension to that request was conveyed in the royal faith, pledged to a house of parliament, and solemnly delivered from the throne. It was but a very few days after a committee had been, with the consent and concurrence of the chancellor of the exchequer, appointed for an inquiry into certain accounts delivered to the house by the court of directors, and then actually engaged in that inquiry, that the ministers, regardless of the assurance given from the crown to a house of commons, did dissolve that parliament. We most humbly submit to his majesty's consideration the consequences of this their breach of public faith.

Whilst the members of the house of commons, under that security, were engaged in his majesty's and the national business, endeavors were industriously used to calumniate those whom it was found impracticable to corrupt. The reputation of the members, and the reputation of the house itself, was undermined in every part of the kingdom.

In the speech from the throne relative to India, we are cautioned by the ministers, "not to lose sight of the effect any measure may have on the constitution of our country."

We are apprehensive that a calumnious report spread abroad of an attack upon his majesty's prerogative by the late house of commons, may have made an impression on his royal mind, and have given occasion to this unusual admonition to the present. This attack is charged to have been made in the late parliament, by a bill which passed the house of commons in the late session of that parliament, for the regulation of the affairs, for the preservation of the commerce, and for the amendment of the government of this nation, in the East Indies.

That his majesty and his people may have an opportunity of entering into the ground of this injurious charge, we beg leave humbly to acquaint his majesty, that, far from having made any infringement whatsoever on any part of his royal prerogative, that bill did, for a limited time, give to his majesty certain powers never before possessed by the crown; and for this his present ministers (who, rather than fall short in the number of their calumnies, employ some that are contradictory,) have slandered this house, as aiming at the extension of an unconstitutional influence in his majesty's crown. This pretended attempt to increase the influence of the crown, they were weak enough to endeavor to persuade his majesty's people was amongst the causes which excited his majesty's resentment against his late ministers.

Further, to remove the impressions of this calumny concerning an attempt in the house of commons against his prerogative, it is proper to inform his majesty, that the territorial possessions in the East Indies never have been declared, by any public judgment, act, or instrument, or any resolution of parliament whatsoever, to be the subject matter of his majesty's prerogative; nor have they ever been understood as belonging to his ordinary administration, or to be annexed or united to his crown; but that they are acquisitions of a new and peculiar description,* unknown to the ancient executive constitution of this country.

* The territorial possessions in the East Indies were acquired to the company, in virtue of grants from the Great Mogul, in the nature of offices and jurisdic-

From time to time, therefore, parliament provided for their government according to its discretion, and to its opinion of what was required by the public necessities. We do not know that his majesty was entitled, by prerogative, to exercise any act of authority whatsoever in the company's affairs, or that in effect, such authority has ever been exercised. His majesty's patronage was not taken away by that bill; because it is notorious that his majesty never originally had the appointment of a single officer, civil or military, in the company's establishment in India; nor has the least degree of patronage ever been acquired to the crown in any other manner or measure, than as the power was thought expedient to be granted by act of parliament; that is, by the very same authority by which the offices were disposed of and regulated in the bill, which his majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the crown.

Before the year 1773 the whole administration of India, and the whole patronage to office there, was in the hands of the East India Company. The East India Company is not a branch of his majesty's prerogative administration, nor does

tions, to be held under *him* and dependent upon *his* crown; with the express condition of being obedient to orders from *his* court, and of paying an annual tribute to *his* treasury. It is true, that no obedience is yielded to these orders; and for some time past there has been no payment made of this tribute. But it is under a grant, so conditioned, that they still hold. To subject the king of Great Britain as tributary to a foreign power, by the acts of his subjects—to suppose the grant valid, and yet the condition void—to suppose it good for the king, and insufficient for the company—to suppose it an interest divisible between the parties;—these are some few of the many legal difficulties to be surmounted, before the common law of England can acknowledge the East India Company's Asiatic affairs to be a subject matter of *prerogative*, so as to bring it within the verge of English jurisprudence. It is a very anomalous species of power and property which is held by the East India Company. Our English prerogative law does not furnish principles, much less precedents, by which it can be defined or adjusted. Nothing but the eminent dominion of parliament over every British subject in every concern, and in every circumstance in which he is placed, can adjust this new intricate matter. Parliament may act wisely or unwisely, justly or unjustly; but parliament alone is competent to it.

that body exercise any species of authority under it, nor indeed from any British title, that does not derive all its legal validity from acts of parliament.

When a claim was asserted to the India territorial possessions in the occupation of the company, these possessions were not claimed as parcel of his majesty's patrimonial estate, or as a fruit of the ancient inheritance of his crown. They were claimed for the public. And when agreements were made with the East India Company concerning any composition for the holding, or any participation of the profits of those territories, the agreement was made with the public, and the preambles of the several acts have uniformly so stated it. These agreements were not made (even nominally) with his majesty, but with parliament; and the bills making and establishing such agreements always originated in this house, which appropriated the money to await the disposition of parliament, without the ceremony of previous consent from the crown even so much as suggested by any of his ministers; which previous consent is an observance of decorum, not indeed of strict right, but generally paid when a new appropriation takes place in any part of his majesty's prerogative revenues.

In pursuance of a right thus uniformly recognised, and uniformly acted on, when parliament undertook the reformation of the East India Company in 1773, a commission was appointed as the commission in the late bill was appointed; and it was made to continue for a term of years, as the commission in the late bill was to continue; all the commissioners were named in parliament, as in the late bill they were named. As they received, so they held their offices, wholly independent of the crown; they held them for a fixed term; they were not removable by an address of either house, or even of both houses of parliament, a precaution observed in the late bill, relative to the commissioners proposed therein; nor were they bound by the strict rules of proceeding which regulated and restrained the late commissioners against all possible abuse of a power which could not fail of being diligently and

zealously watched by the ministers of the crown, and the proprietors of the stock, as well as by parliament. Their proceedings were, in that bill, directed to be of such a nature as easily to subject them to the strictest revision of both, in case of any malversation.

In the year 1780, an act of parliament again made provision for the government of those territories for another four years, without any sort of reference to prerogative; nor was the least objection taken at the second, more than at the first of those periods, as if an infringement had been made upon the rights of the crown; yet his majesty's ministers have thought fit to represent the late commission as an entire innovation on the constitution, and the setting up a new order and estate in the nation, tending to the subversion of the monarchy itself.

If the government of the East Indies, other than by his majesty's prerogative, be, in effect, a fourth order in the commonwealth, this order has long existed; because the East India Company has for many years enjoyed it in the fullest extent, and does at this day enjoy the whole administration of those provinces, and the patronage to offices throughout that great empire, except as it is controlled by act of parliament.

It was the ill-condition, and ill-administration of the company's affairs, which induced this house (merely as a temporary establishment) to vest the same powers which the company did before possess, (and no other) for a limited time, and under very strict directions, in proper hands, until they could be restored, or further provision made concerning them. It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This house, which well knows the parliamentary origin of all the company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious

to itself, that it no more creates a new order in the state, by making occasional trustees for the direction of the company, than it originally did in giving a much more permanent trust to the directors, or to the general court of that body. The monopoly of the East India Company was a derogation from the general freedom of trade belonging to his majesty's people. The powers of government, and of peace and war, are parts of prerogative of the highest order. Of our competence to restrain the rights of all his subjects by act of parliament, and to vest those high and eminent prerogatives even in a particular company of merchants, there has been no question. We beg leave most humbly to claim as our right, and as a right which this house has always used, to frame such bills, for the regulation of that commerce, and of the territories held by the East India Company, and every thing relating to them, as to our discretion shall seem fit: and we assert and maintain, that therein we follow, and do not innovate on the constitution.

That his majesty's ministers, misled by their ambition, have endeavored, if possible, to form a faction in the country against the popular part of the constitution; and have therefore thought proper to add to their slanderous accusation against a house of parliament, relative to his majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among the corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to, and to make addresses to them as protectors of their rights, under their several charters, from the designs which they, without any ground, charged the then house of commons to have formed against *charters in general.* For this purpose they have not scrupled to assert, that the exertion of his majesty's prerogative in the late precipitate change in his administration, and the dissolution of the late parliament, were measures adopted in order to rescue the people and their rights out of the hands of the house of commons, their representatives.

We trust that his majesty's subjects are not yet so far de-

luded as to believe that the charters, or that any other of their local or general privileges can have a solid security in any place but where that security has always been looked for, and always found, in the house of commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked.* But the late

* The attempt upon charters and the privileges of the corporate bodies of the kingdom in the reigns of Charles the Second, and James the Second, was made by the *crown*. It was carried on by the ordinary course of law, in courts instituted for the security of the property and franchises of the people. This attempt made by the *crown*, was attended with complete success. The corporate rights of the city of London, and of all the companies it contains, were by solemn judgment of law declared forfeited, and all their franchises, privileges, properties and estates, were of course seized into the hands of the *crown*. The injury was from the crown; the redress was by parliament. A bill was brought into the *house of commons*, by which the judgment against the city of London, and against the companies, was reversed; and this bill passed the house of lords without any complaint of trespass on their jurisdiction, although the bill was for a reversal of a judgment in law. By this act, which is in the second of William and Mary, chap. 8, the question of forfeiture of that charter is for ever taken out of the power of any court of law. No cognizance can be taken of it except in parliament.

Although the act above mentioned has declared the judgment against the corporation of London to be *illegal;* yet Blackstone makes no scruple of asserting, that "perhaps in strictness of law, the proceedings in most of them [the Quo Warranto causes] were sufficiently regular," leaving it in doubt, whether this regularity did not apply to the corporation of London, as well as to any of the rest; and he seems to blame the proceeding (as most blamable it was) not so much on account of illegality, as for the crown's having employed a legal proceeding for political purposes. He calls it "an exertion of *an act of law* for the purposes of the state."

The same security which was given to the city of London, would have been extended to all the corporations, if the house of commons could have prevailed. But the bill for that purpose passed but by a majority of one in the lords; and it was entirely lost by a prorogation, which is the act of the crown. Small, indeed, was the security which the corporation of London enjoyed, before the act of William and Mary, and which all the other corporations secured by no statute, enjoy at this hour, if strict law was employed against them. The use of strict law has always been rendered very delicate by the same means, by which the almost unmeasured legal powers residing (and in many instances dangerously residing) in the crown, are kept within due bounds; I mean, that strong superintending power in the house of commons, which inconsiderate people have been

house of commons in passing that bill, made no attack upon any powers or privileges, except such as a house of commons has frequently attacked, and will attack (and they trust, in the end, with their wonted success,) that is, upon those which are corruptly and oppressively administered; and this house

prevailed on to condemn as trenching on prerogative. Strict law is by no means such a friend to the rights of the subject, as they have been taught to believe. They who have been most conversant in this kind of learning, will be most sensible of the danger of submitting corporate rights of high political importance to these subordinate tribunals. The general heads of law on that subject are vulgar and trivial. On them there is not much question. But it is far from easy to determine what special acts, or what special neglect of action, shall subject corporations to a forfeiture. There is so much laxity in this doctrine, that great room is left for favor or prejudice, which might give to the crown an entire dominion over those corporations. On the other hand, it is undoubtedly true, that every subordinate corporate right ought to be subject to control; to superior direction; and even to forfeiture upon just cause. In this reason and law agree. In every judgment given on a corporate right of great political importance, the policy and prudence make no small part of the question. To these considerations a court of law is not competent; and indeed an attempt at the least intermixture of such ideas, with the matter of law, could have no other effect, than wholly to corrupt the judicial character of the court, in which such a cause should come to be tried. It is besides to be remarked, that, if in virtue of a legal process, a forfeiture should be adjudged, the court of law has no power to modify or mitigate. The whole franchise is annihilated, and the corporate property goes into the hands of the crown. They who hold the new doctrines concerning the power of the house of commons, ought well to consider in such a case by what means the corporate rights could be revived, or the property could be recovered out of the hands of the crown. But parliament can do, what the courts neither can do nor ought to attempt. Parliament is competent to give due weight to all political considerations. It may modify; it may mitigate; and it may render perfectly secure, all that it does not think fit to take away. It is not likely that parliament will ever draw to itself the cognizance of questions concerning ordinary corporations, farther than to protect them in case attempts are made to induce a forfeiture of their franchises.

The case of the East India Company is different even from that of the greatest of these corporations. No monopoly of trade, beyond their own limits, is vested in the corporate body of any town or city in the kingdom. Even within these limits the monopoly is not general. The company has the monopoly of the trade of half the world. The first corporation of the kingdom, has for the object of its jurisdiction only a few matters of subordinate police. The East India Company governs an empire through all its concerns, and all its departments, from the lowest office of economy to the highest councils of the state,—an empire to which Great Britain is in comparison but a respectable province. To leave these

do faithfully assure his majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the people, and to the impoverishment and desolation of the countries subject to it.

The propagators of the calumnies against that house of parliament have been indefatigable in exaggerating the supposed injury done to the East India Company by the suspension of the authorities which they have, in every instance, abused; as if power had been wrested, by wrong and violence, from just and prudent hands; but they have, with equal care, concealed the weighty grounds and reasons on which that house had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interests of the real and honest proprietors of their stock, as well as that great national, commercial concern, from imminent ruin.

The ministers aforesaid have also caused it to be reported, that the house of commons have confiscated the property of the East India Company. It is the reverse of truth. The

concerns without superior cognizance would be madness; to leave them to be judged in the courts below on the principles of confined jurisprudence, would be folly. It is well if the whole legislative power is competent to the correction of abuses, which are commensurate to the immensity of the object they affect.

The idea of an absolute power has indeed its terrors; but that objection lies to every parliamentary proceeding; and as no other can regulate the abuses of such a charter, it is fittest that sovereign authority should be exercised, where it is most likely to be attended with the most effectual correctives. These correctives are furnished by the nature and course of parliamentary proceedings, and by the infinitely diversified characters who compose the two houses. In effect and virtually they form a vast number, variety, and succession of judges and jurors. The fulness, the freedom, and publicity of discussion, leaves it easy to distinguish what are acts of power, and what the determinations of equity and reason. There prejudice corrects prejudice, and the different asperities of party zeal mitigate and neutralize each other. So far from violence being the general characteristic of the proceedings of parliament, whatever the beginnings of any parliamentary process may be, its general fault in the end is, that it is found incomplete and ineffectual.

whole management was a trust for the proprietors, under their own inspection (and it was so provided for in the bill) and under the inspection of parliament. That bill, so far from confiscating the company's property, was the only one which, for several years past, did not, in some shape or other, affect their property, or restrain them in the disposition of it.

It is proper that his majesty and all his people should be informed, that the house of commons have proceeded, with regard to the East India Company, with a degree of care, circumspection, and deliberation, which has not been equaled in the history of parliamentary proceedings. For sixteen years the state and condition of that body has never been wholly out of their view: in the year 1767, the house took those objects into consideration, in a committee of the whole house: the business was pursued in the following year: in the year 1772, two committees were appointed for the same purpose, which examined into their affairs with much diligence, and made very ample reports: in the year 1773, the proceedings were carried to an act of parliament, which proved ineffectual to its purpose; the oppressions and abuses in India have since rather increased than diminished, on account of the greatness of the temptations and convenience of the opportunities, which got the better of the legislative provisions calculated against ill practices, then in their beginnings: insomuch that, in 1781, two committees were again instituted, who have made seventeen reports. It was upon the most minute, exact, and laborious collection and discussion of facts, that the late house of commons proceeded in the reform which they attempted in the administration of India, but which has been frustrated by ways and means the most dishonorable to his majesty's government, and the most pernicious to the constitution of this kingdom. His majesty was so sensible of the disorders in the company's administration, that the consideration of that subject was no less than six times recommended to this house in speeches from the throne.

The result of the parliamentary inquiries has been, that the East India Company was found totally corrupted, and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace, given by the charter, had been abused, by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made, have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonor of our national character; that the laws of this kingdom are notoriously, and almost in every instance, despised; that the servants of the company, by the purchase of qualifications to vote in the general court, and, at length, by getting the company itself deeply in their debt, have obtained the entire and absolute mastery in the body, by which they ought to have been ruled and coerced. Thus their malversations in office are supported instead of being checked by the company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men, who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The company and their servants have strengthened themselves by this confederacy, have set at defiance the authority and admonitions of this house employed to reform them; and when this house had selected certain principal delinquents, whom they declared it the duty of the company to recall, the company held out its legal privileges against all reformation; positively refused to recall them; and supported those who had fallen under the just censure of this house, with new and stronger marks of countenance and approbation.

The late house discovering the reversed situation of the company, by which the nominal servants are really the masters, and the offenders are become their own judges, thought fit to examine into the state of their commerce; and they have also discovered that their commercial affairs are in the

greatest disorder, that their debts have accumulated beyond any present or obvious future means of payment, at least under the actual administration of their affairs; that this condition of the East India Company has begun to affect the sinking fund itself, on which the public credit of the kingdom rests, a million and upwards being due to the customs, which that house of commons, whose intentions towards the company have been so grossly misrepresented, were indulgent enough to respite. And thus, instead of confiscating their property, the company received without interest (which in such a case had been before charged) the use of a very large sum of the public money. The revenues are under the peculiar care of this house, not only as the revenues originate from us, but as, on every failure of the funds set apart for support of the national credit, or to provide for the national strength and safety, the task of supplying every deficiency falls upon his majesty's faithful commons, this house must, in effect, tax the people. This house, therefore, at every moment, incurs the hazard of becoming obnoxious to its constituents.

The enemies of the late house of commons resolved, if possible, to bring on that event. They therefore endeavored to misrepresent the provident means adopted by the house of commons for keeping off this invidious necessity, as an attack on the rights of the East India Company; for they well knew that on the one hand if, for want of proper regulation and relief, the company should become insolvent, or even stop payment, the national credit and commerce would sustain an heavy blow; and that calamity would be justly imputed to parliament, which, after such long inquiries, and such frequent admonitions from his majesty, had neglected so essential and so urgent an article of their duty: on the other hand they knew, that, wholly corrupted as the company is, nothing effectual could be done to preserve that interest from ruin, without taking for a time the national objects of their trusts out of their hands; and then a cry would be industriously raised against the house of commons, as depriving British

subjects of their legal privileges. The restraint, being plain and simple, must be easily understood by those who would be brought with great difficulty, to comprehend the intricate detail of matters of fact, which render this suspension of the administration of India absolutely necessary on motives of justice, of policy, of public honor, and public safety.

The house of commons had not been able to devise a method, by which the redress of grievances could be effected through the authors of those grievances; nor could they imagine how corruptions could be purified by the corrupters and the corrupted; nor do we conceive, how any reformation can proceed from the known abettors and supporters of the persons who have been guilty of the misdemeanors which parliament has reprobated, and who for their own ill purposes have given countenance to a false and delusive state of the company's affairs, fabricated to mislead parliament, and to impose upon the nation.*

Your commons feel, with a just resentment, the inadequate estimate which your ministers have formed of the importance of this great concern. They call on us to act upon the principles of those who have not inquired into the subject; and to condemn those who, with the most laudable diligence, have examined and scrutinized every part of it. The deliberations of parliament have been broken; the season of the year is unfavorable; many of us are new members, who must be wholly unacquainted with the subject, which lies remote from the ordinary course of general information.

We are cautioned against an infringement of the constitution; and it is impossible to know, what the secret advisers of the crown, who have driven out the late ministers for their

* The purpose of the misrepresentation being now completely answered, there is no doubt but the committee in this parliament, appointed by the ministers themselves, will justify the grounds upon which the last parliament proceeded; and will lay open to the world, the dreadful state of the company's affairs, and the grossness of their own calumnies upon this head. By delay, the new assembly is come to this disgraceful situation, of allowing a dividend of eight per cent. by act of parliament, without the least matter before them to justify the granting of any dividend at all.

conduct in parliament, and have dissolved the late parliament for a pretended attack upon prerogative, will consider as such an infringement. We are not furnished with a rule, the observance of which can make us safe from the resentment of the crown, even by an implicit obedience to the dictates of the ministers who have advised that speech: we know not how soon those ministers may be disavowed; and how soon the members of this house, for our very agreement with them, may be considered as objects of his majesty's displeasure. Until by his majesty's goodness and wisdom the late example is completely done away, we are not free.

We are well aware, in providing for the affairs of the east, with what an adult strength of abuse, and of wealth and influence growing out of that abuse, his majesty's commons had, in the last parliament, and we still have, to struggle. We are sensible that the influence of that wealth, in a much larger degree and measure than at any former period, may have penetrated into the very quarter from whence alone any real reformation can be expected.*

If, therefore, in the arduous affairs recommended to us, our proceedings should be ill adapted, feeble and ineffectual; if no delinquency should be prevented, and no delinquent should

* This will be evident to those who consider the number and description of directors and servants of the East India Company, chosen into the present parliament. The light in which the present ministers hold the labors of the house of commons, in searching into the disorders in the Indian administration, and all its endeavors for the reformation of the government there, without any distinction of times, or of the persons concerned, will appear from the following extract from a speech of the present lord chancellor. After making a high-flown panegyric on those whom the house of commons had condemned by their resolutions, he said—"Let us not be misled by reports from committees of *another* house, to which, I again repeat, *I pay as much attention, as I would do to the history of Robinson Crusoe.* Let the conduct of the East India Company be fairly and fully inquired into; let it be acquitted or condemned by evidence brought to the bar of the house. Without entering very deep into the subject, let me reply in a few words to an observation which fell from a noble and learned lord, that the company's finances are distressed, and that they owe at this moment, a million sterling, to the nation. When such a charge is brought, will parliament in its justice forget that the company is restricted from employing *that credit, which its great and flourishing situation* gives to it?"

be called to account; if every person should be caressed, promoted, and raised in power, in proportion to the enormity of his offences; if no relief should be given to any of the natives unjustly dispossessed of their rights, jurisdictions, and properties; if no cruel and unjust exactions shall be forborne; if the source of no peculation, or oppressive gain should be cut off; if, by the omission of the opportunities that were in our hands, our Indian empire should fall into ruin irretrievable, and in its fall crush the credit, and overwhelm the revenues of this country, we stand acquitted to our honor, and to our conscience, who have reluctantly seen the weightiest interests of our country, at times the most critical to its dignity and safety, rendered the sport of the inconsiderate and unmeasured ambition of individuals, and by that means the wisdom of his majesty's government degraded in the public estimation, and the policy and character of this renowned nation rendered contemptible in the eyes of all Europe.

It passed in the negative.

SPEECH

ON THE

MOTION MADE FOR PAPERS

RELATIVE TO THE

DIRECTIONS FOR CHARGING

THE NABOB OF ARCOT'S PRIVATE DEBTS TO EUROPEANS,

ON THE REVENUES OF THE CARNATIC.

FEBRUARY 28th, 1785.

WITH AN

APPENDIX,

CONTAINING SEVERAL DOCUMENTS.

Ἐντεῦθα τί πράττειν ἐχρῆν ἄνδρα τῶν Πλάτωνος καὶ Ἀριστοτέλους ζηλωτὴν δογμάτων; ἆρα περιορᾷν ἀνθρώπους ἀθλίους τοῖς κλίπταις ἐκδιδομένους, ἢ κατὰ δύναμιν αὐτοῖς ἀμύνειν, οἶμαι, ὡς ἤδη τὸ κύκνειον ἐξάδουσι διὰ τὸ θεομισὲς ἐργαστήριον τῶν τοιούτων; Ἐμοὶ μὲν οὖν αἰσχρὸν εἶναι δοκεῖ τοὺς μὲν χιλιάρχους, ὅταν λείπωσι τὴν τάξιν, καταδικάζειν· τὴν δὲ ὑπὲρ ἀθλίων ἀνθρώπων ὑπολείπειν τάξιν, ὅταν δέῃ πρὸς κλίπτας ἀγωνίζεσθαι τοιούτους· καὶ ταῦτα τοῦ Θεοῦ συμμαχοῦντος ἡμῖν, ὥσπερ οὖν ἔταξεν.

JULIANI Epist. 17.

ADVERTISEMENT.

THAT the least informed reader of this speech may be enabled to enter fully into the spirit of the transaction on occasion of which it was delivered, it may be proper to acquaint him, that among the princes dependent on this nation in the southern part of India, the most considerable at present is commonly known by the title of the Nabob of Arcot.

This prince owed the establishment of his government, against the claims of his elder brother, as well as those of other competitors, to the arms and influence of the British East India Company. Being thus established in a considerable part of the dominions he now possesses, he began, about the year 1765, to form, at the instigation (as he asserts) of the servants of the East India Company, a variety of designs for the further extension of his territories. Some years after, he carried his views to certain objects of interior arrangement, of a very pernicious nature. None of these designs could be compassed without the aid of the company's arms; nor could those arms be employed consistently with an obedience to the company's orders. He was therefore advised to form a more secret, but an equally powerful interest among the servants of that company, and among others both at home and abroad. By engaging them in his interests, the use of the company's power might be obtained without their ostensible authority; the power might even be employed in defiance of the authority; if the case should require, as in truth it often did require, a proceeding of that degree of boldness.

The company had put him into possession of several great cities and magnificent castles. The good order of his affairs, his sense of personal dignity, his ideas of oriental splendor,

and the habits of an Asiatic life, (to which, being a native of India, and a Mahometan, he had from his infancy been inured,) would naturally have led him to fix the seat of his government within his own dominions. Instead of this, he totally sequestered himself from his country; and, abandoning all appearance of state, he took up his residence in an ordinary house, which he purchased in the suburbs of the company's factory at Madras. In that place he has lived, without removing one day from thence, for several years past. He has there continued a constant cabal with the company's servants, from the highest to the lowest; creating, out of the ruins of the country, brilliant fortunes for those who will, and entirely destroying those who will not, be subservient to his purposes.

An opinion prevailed, strongly confirmed by several passages in his own letters, as well as by a combination of circumstances forming a body of evidence which cannot be resisted, that very great sums have been by him distributed, through a long course of years, to some of the company's servants. Besides these presumed payments in ready money, (of which, from the nature of the thing, the direct proof is very difficult,) debts have at several periods been acknowledged to these gentlemen, to an immense amount; that is, to some millions of sterling money. There is strong reason to suppose that the body of these debts is wholly fictitious, and was never covered by money *bona fide* lent. But even on a supposition that this vast sum was really advanced, it was impossible that the very reality of such an astonishing transaction should not cause some degree of alarm, and incite to some sort of inquiry.

It was not at all seemly, at a moment when the company itself was so distressed, as to require a suspension, by act of parliament, of the payment of bills drawn on them from India and also a direct tax upon every house in England, in order to facilitate the vent of their goods, and to avoid instant insolvency at that very moment that their servants should appear in so flourishing a condition, as, besides ten millions

of other demands on their masters, to be entitled to claim a debt of three or four millions more from the territorial revenue of one of their dependent princes.

The ostensible pecuniary transactions of the nabob of Arcot, with very private persons, are so enormous, that they evidently set aside every pretence of policy, which might induce a prudent government in some instances to wink at ordinary loose practice in ill-managed departments. No caution could be too great in handling this matter; no scrutiny too exact. It was evidently the interest, and as evidently at least in the power of the creditors, by admitting secret participation in this dark and undefined concern, to spread corruption to the greatest and the most alarming extent.

These facts relative to the debts were so notorious, the opinion of their being a principal source of the disorders of the British government in India was so undisputed and universal, that there was no party, no description of men in parliament, who did not think themselves bound, if not in honor and conscience, at least in common decency, to institute a vigorous inquiry into the very bottom of the business, before they admitted any part of that vast and suspicious charge to be laid upon an exhausted country. Every plan concurred in directing such an inquiry; in order that whatever was discovered to be corrupt, fraudulent, or oppressive, should lead to a due animadversion on the offenders; and if any thing fair and equitable in its origin should be found (nobody suspected that much, comparatively speaking, would be so found,) it might be provided for; in due subordination, however, to the ease of the subject, and the service of the state.

These were the alleged grounds for an inquiry, settled in all the bills brought into parliament relative to India, and there were I think no less than four of them. By the bill, commonly called Mr. Pitt's bill, the inquiry was specially, and by express words, committed to the court of directors, without any reserve for the interference of any other person or persons whatsoever. It was ordered that *they* should

make the inquiry into the origin and justice of these debts, as far as the materials in *their* possession enabled them to proceed; and where *they* found those materials deficient, *they* should order the presidency of Fort St. George [Madras] to complete the inquiry.

The court of directors applied themselves to the execution of the trust reposed in them. They first examined into the amount of the debt, which they computed, at compound interest, to be £2,945,600 sterling. Whether their mode of computation, either of the original sums, or the amount on compound interest, was exact; that is, whether they took the interest too high, or the several capitals too low, is not material. On whatever principle any of the calculations were made up, none of them found the debt to differ from the recital of the act, which asserted, that the sums claimed were "*very* large." The last head of these debts the directors compute at £2,465,680 sterling. Of the existence of this debt the directors heard nothing until 1776, and they say, that, "although they had *repeatedly* written to the nabob of Arcot, and to their servants, respecting the debt, yet they *had never been able to trace the origin thereof, or to obtain any satisfactory information on the subject.*"

The court of directors, after stating the circumstances under which the debts appeared to them to have been contracted, add as follows: "For these reasons we should have thought it our duty to inquire *very minutely* into those debts, even if the act of parliament had been silent on the subject, before we concurred in any measure for their payment. But with the positive injunctions of the act before us, to examine into their nature and origin, we are indispensably bound to direct such an inquiry to be instituted." They then order the president and council of Madras to enter into a full examination, &c. &c.

The directors having drawn up their order to the presidency on these principles, communicated the draught of the general letter in which those orders were contained, to the board of his majesty's ministers, and other servants lately

constituted by Mr. Pitt's East India act. These ministers, who had just carried through parliament the bill ordering a specific inquiry, immediately drew up another letter, on a principle directly opposite to that, which was prescribed by the act of parliament, and followed by the directors. In these second orders, all idea of an inquiry into the justice and origin of the pretended debts, particularly of the last, the greatest, and the most obnoxious to suspicion, is abandoned. They are all admitted and established without any investigation whatsoever; except some private conference with the agents of the claimants is to pass for an investigation; and a fund for their discharge is assigned and set apart out of the revenues of the Carnatic. To this arrangement in favor of their servants, servants suspected of corruption, and convicted of disobedience, the directors of the East India Company were ordered to set their hands, asserting it to arise from their own conviction and opinion, in flat contradiction to their recorded sentiments, their strong remonstrance, and their declared sense of their duty, as well under their general trust and their oath as directors, as under the express injunctions of an act of parliament.

The principles upon which this summary proceeding was adopted by the ministerial board, are stated by themselves in a number in the appendix to this speech.

By another section of the same act, the same court of directors were ordered to take into consideration and to decide on the indeterminate rights of the rajah of Tanjour and the nabob of Arcot; and in this, as in the former case, no power of appeal, revision, or alteration was reserved to any other. It was a jurisdiction, in a cause between party and party, given to the court of directors specifically. It was known that the territories of the former of these princes had been twice invaded and pillaged, and the prince deposed and imprisoned, by the company's servants, influenced by the intrigues of the latter, and for the purpose of paying his pretended debts. The company had, in the year 1775, ordered a restoration of the rajah to his government, under certain

conditions. The rajah complained that his territories had not been completely restored to him; and that no part of his goods, money, revenues, or records, unjustly taken and withheld from him, were ever returned. The nabob, on the other hand, never ceased to claim the country itself, and carried on a continued train of negotiation, that it should again be given up to him, in violation of the company's public faith.

The directors, in obedience to this part of the act, ordered an inquiry, and came to a determination to restore certain of his territories to the rajah. The ministers, proceeding as in the former case, without hearing any party, rescinded the decision of the directors, refused the restitution of the territory, and without regard to the condition of the country of Tanjour, which had been within a few years four times plundered (twice by the nabob of Arcot, and twice by enemies brought upon it solely by the politics of the same nabob, the declared enemy of that people,) and without discounting a shilling for their sufferings, they accumulate an arrear of about 400,000 pounds of pretended tribute to this enemy; and then they order the directors to put their hands to a new adjudication, directly contrary to a judgment in a judicial character and trust, solemnly given by them, and entered on their records.

These proceedings naturally called for some inquiry. On the 28th of February, 1785, Mr. Fox made the following motion in the house of commons, after moving that the clauses of the act should be read—"That the proper officer do lay before this house copies and extracts of all letters and orders of the court of directors of the united East India Company, in pursuance of the injunctions contained in the 37th and 38th clauses of the said act;" and the question being put, it passed in the negative by a very great majority.

The last speech in the debate was the following; which is given to the public, not as being more worthy of its attention than others, (some of which were of consummate ability) but as entering more into the detail of the subject.

SPEECH.

The times we live in, Mr. Speaker, have been distinguished by extraordinary events. Habituated, however, as we are, to uncommon combinations of men and of affairs, I believe nobody recollects any thing more surprising than the spectacle of this day. The right honorable gentleman,* whose conduct is now in question, formerly stood forth in this house, the prosecutor of the worthy baronet† who spoke after him. He charged him with several grievous acts of malversation in office; with abuses of a public trust of a great and heinous nature. In less than two years we see the situation of the parties reversed; and a singular revolution puts the worthy baronet in a fair way of returning the prosecution in a recriminatory bill of pains and penalties, grounded on a breach of public trust, relative to the government of the very same part of India. If he should undertake a bill of that kind, he will find no difficulty in conducting it with a degree of skill and vigor fully equal to all that have been exerted against him.

But the change of relation between these two gentlemen is not so striking as the total difference of their deportment under the same unhappy circumstances. Whatever the merits of the worthy baronet's defence might have been, he did not shrink from the charge. He met it with manliness of spirit, and decency of behavior. What would have been thought of him, if he had held the present language of his old accuser? When articles were exhibited against him by that right

* Right honorable Henry Dundas.

† Sir Thomas Rumbold, late governor of Madras.

honorable gentleman, he did not think proper to tell the house that we ought to institute no inquiry, to inspect no paper, to examine no witness. He did not tell us (what at that time he might have told us with some show of reason) that our concerns in India were matters of delicacy; that to divulge any thing relative to them would be mischievous to the state. He did not tell us, that those who would inquire into his proceedings were disposed to dismember the empire. He had not the presumption to say, that for his part, having obtained in his Indian presidency, the ultimate object of his ambition, his honor was concerned in executing with integrity the trust which had been legally committed to his charge. That others, not having been so fortunate, could not be so disinterested; and therefore their accusations could spring from no other source than faction, and envy to his fortune.

Had he been frontless enough to hold such vain, vaporing language in the face of a grave, a detailed, a specified matter of accusation, whilst he violently resisted every thing which could bring the merits of his cause to the test; had he been wild enough to anticipate the absurdities of this day; that is, had he inferred, as his late accuser had thought proper to do, that he could not have been guilty of malversation in office, for this sole and curious reason, that he had been in office; had he argued the impossibility of his abusing his power on this sole principle, that he had power to abuse, he would have left but one impression on the mind of every man who heard him, and who believed him in his senses—that in the utmost extent he was guilty of the charge.

But, sir, leaving these two gentlemen to alternate, as criminal and accuser, upon what principles they think expedient; it is for us to consider, whether the chancellor of the exchequer, and the treasurer of the navy, acting as a board of control, are justified by law or policy, in suspending the legal arrangements made by the court of directors, in order to transfer the public revenues to the private emolument of certain servants of the East India Company, without the inquiry

into the origin and justice of their claims, prescribed by an act of parliament?

It is not contended, that the act of parliament did not expressly ordain an inquiry. It is not asserted that this inquiry was not, with equal precision of terms, specially committed under particular regulations to the court of directors. I conceive, therefore, the board of control had no right whatsoever to intermeddle in that business. There is nothing certain in the principles of jurisprudence, if this be not undeniably true, that when a special authority is given to any persons by name, to do some particular act, that no others, by virtue of general powers, can obtain a legal title to intrude themselves into that trust, and to exercise those special functions in their place. I therefore consider the intermeddling of ministers in this affair as a downright usurpation. But if the strained construction, by which they have forced themselves into a suspicious office (which every man, delicate with regard to character, would rather have sought constructions to avoid,) were perfectly sound and perfectly legal, of this I am certain, that they cannot be justified in declining the inquiry which had been prescribed to the court of directors. If the board of control did lawfully possess the right of executing the special trust given to that court, they must take it as they found it, subject to the very same regulations which bound the court of directors. It will be allowed that the court of directors had no authority to dispense with either the substance or the mode of inquiry prescribed by the act of parliament. If they had not, where, in the act, did the board of control acquire that capacity? Indeed, it was impossible they should acquire it.—What must we think of the fabric and texture of an act of parliament which should find it necessary to prescribe a strict inquisition; that should descend into minute regulations for the conduct of that inquisition; that should commit this trust to a particular description of men, and in the very same breath should enable another body, at their own pleasure, to supersede all the provisions the legislature had made, and to defeat the whole purpose, end, and object of the law? This cannot be supposed

even of an act of parliament conceived by the ministers themselves, and brought forth during the delirium of the last session.

My honorable friend has told you in the speech which introduced his motion, that fortunately this question is not a great deal involved in the labyrinths of Indian detail. Certainly not. But if it were, I beg leave to assure you, that there is nothing in the Indian detail which is more difficult than in the detail of any other business. I admit, because I have some experience of the fact, that for the interior regulation of India, a minute knowledge of India is requisite. But on any specific matter of delinquency in its government, you are as capable of judging, as if the same thing were done at your door. Fraud, injustice, oppression, peculation, engendered in India, are crimes of the same blood, family, and cast, with those that are born and bred in England. To go no farther than the case before us: you are just as competent to judge whether the sum of four millions sterling ought, or ought not, to be passed from the public treasury into a private pocket, without any title except the claim of the parties, when the issue of fact is laid in Madras, as when it is laid in Westminster. Terms of art, indeed, are different in different places; but they are generally understood in none. The technical style of an Indian treasury is not one jot more remote than the jargon of our own exchequer, from the train of our ordinary ideas, or the idiom of our common language. The difference therefore in the two cases is not in the comparative difficulty or facility of the two subjects, but in our attention to the one, and our total neglect of the other. Had this attention and neglect been regulated by the value of the several objects, there would be nothing to complain of. But the reverse of that supposition is true. The scene of the Indian abuse is distant indeed; but we must not infer, that the value of our interest in it is decreased in proportion as it recedes from our view. In our politics, as in our common conduct, we shall be worse than infants, if we do not put our senses under the tuition of our judgment, and effectually cure

ourselves of that optical illusion which makes a briar at our nose of greater magnitude, than an oak at five hundred yards distance.

I think I can trace all the calamities of this country to the single source of our not having had steadily before our eyes a general, comprehensive, well-connected, and well-proportioned view of the whole of our dominions, and a just sense of their true bearings and relations. After all its reductions, the British empire is still vast and various. After all the reductions of the house of commons, (stripped as we are of our brightest ornaments and of our most important privileges) enough are yet left to furnish us, if we please, with means of shewing to the world, that we deserve the superintendence of as large an empire as this kingdom ever held, and the continuance of as ample privileges as the house of commons, in the plenitude of its power, had been habituated to assert. But if we make ourselves too little for the sphere of our duty; if, on the contrary, we do not stretch and expand our minds to the compass of their object, be well assured, that every thing about us will dwindle by degrees, until at length our concerns are shrunk to the dimensions of our minds. It is not a predilection to mean, sordid, home-bred cares, that will avert the consequences of a false estimation of our interest, or prevent the shameful dilapidation into which a great empire must fall, by mean reparations upon mighty ruins.

I confess I feel a degree of disgust, almost leading to despair, at the manner in which we are acting in the great exigences of our country. There is now a bill in this house, appointing a rigid inquisition into the minutest detail of our offices at home. The collection of sixteen millions annually; a collection on which the publie greatness, safety, and credit have their reliance; the whole order of criminal jurisprudence, which holds together society itself, have at no time obliged us to call forth such powers; no, nor any thing like them. There is not a principle of the law and constitution of this country that is not subverted to favor the execution of that project.*

* Appendix, No. 1.

And for what is all this apparatus of bustle and terror? Is it because any thing substantial is expected from it? No. The stir and bustle itself is the end proposed. The eye-servants of a short-sighted master will employ themselves, not on what is most essential to his affairs, but on what is nearest to his ken. Great difficulties have given a just value to economy; and our minister of the day must be an economist, whatever it may cost us. But where is he to exert his talents? At home to be sure; for where else can he obtain a profitable credit for their exertion? It is nothing to him, whether the object on which he works under our eye be promising or not. If he does not obtain any public benefit, he may make regulations without end. Those are sure to pay in present expectation, whilst the effect is at a distance, and may be the concern of other times, and other men. On these principles he chooses to suppose (for he does not pretend more than to suppose) a naked possibility, that he shall draw some resource out of crumbs dropped from the trenchers of penury; that something shall be laid in store from the short allowance of revenue officers, overloaded with duty, and famished for want of bread; by a reduction from officers who are at this very hour ready to batter the treasury with what breaks through stone walls, for an *increase* of their appointments. From the marrowless bones of these skeleton establishments, by the use of every sort of cutting, and of every sort of fretting tool, he flatters himself that he may chip and rasp an empirical alimentary powder, to diet into some similitude of health and substance the languishing chimeras of fraudulent reformation.

Whilst he is thus employed according to his policy and to his taste, he has not leisure to inquire into those abuses in India that are drawing off money by millions from the treasures of this country, which are exhausting the vital juices from members of the state, where the public inanition is far more sorely felt than in the local exchequer of England. Not content with winking at these abuses, whilst he attempts to squeeze the laborious ill-paid drudges of English revenue, he

lavishes in one act of corrupt prodigality, upon those who never served the public in any honest occupation at all, an annual income equal to two thirds of the whole collection of the revenues of this kingdom.

Actuated by the same principle of choice, he has now on the anvil another scheme, full of difficulty and desperate hazard, which totally alters the commercial relation of two kingdoms; and what end soever it shall have, may bequeath a legacy of heart-burning and discontent to one of the countries, perhaps to both, to be perpetuated to the latest posterity. This project is also undertaken on the hope of profit. It is provided, that out of some (I know not what) remains of the Irish hereditary revenue, a fund at some time, and of some sort, should be applied to the protection of the Irish trade. Here we are commanded again to task our faith, and to persuade ourselves, that out of the surplus of deficiency, out of the savings of habitual and systematic prodigality, the minister of wonders will provide support for this nation, sinking under the mountainous load of two hundred and thirty millions of debt. But whilst we look with pain at his desperate and laborious trifling; whilst we are apprehensive that he will break his back in stooping to pick up chaff and straws, he recovers himself at an elastic bound, and with a broad-cast swing of his arm, he squanders over his Indian field a sum far greater than the clear produce of the whole hereditary revenue of the kingdom of Ireland.*

Strange as this scheme of conduct in ministry is, and inconsistent with all just policy, it is still true to itself, and faithful to its own perverted order. Those who are bountiful to crimes, will be rigid to merit, and penurious to service. Their penury is even held out as a blind and cover to their prodigality. The economy of injustice is, to furnish resources for the fund of

* The whole of the net Irish hereditary revenue is, on a medium of the last seven years, about £330,000 yearly. The revenues of all denominations fall short more than £150,000 yearly of the charges. On the *present* produce, if Mr. Pitt's scheme was to take place, he might gain from seven to ten thousand pounds a year.

[illegible]. Then they pay off their protection to great crimes [illegible] by being inexorable to the paltry frailties [illegible] these modern flagellants are sure, with a [illegible] their own enormities on the vicarious [illegible] very small offender.

[illegible] attention to economy of quite another [illegible] offences of a far different descrip- [illegible] has brought before you the [illegible] perpetuate the abuses which are [illegible] that the motion is opposed.

[illegible] has power to carry him- [illegible] that the right honor- [illegible] at the very outset: and boldly [illegible] Let him admit but one [illegible] You must be igno- [illegible] But before his curtain is let down, [illegible] shall veil our eastern domi- [illegible] to avail myself of the [illegible] and inquisitive times, [illegible] present minister, [illegible] permitting the greatest [illegible] from the cognizance, [illegible] competence, of parliament.

[illegible] most numerous [illegible] the richest sources of [illegible] idea of the known [illegible] being converted [illegible] to have one half of [illegible] curiosity of an [illegible] commences. [illegible] circumstances. In most of [illegible] in the principles and [illegible] of some kind or [illegible] commenced in [illegible] carried the appear- [illegible] or correction of [illegible] the conversion of a

department of British government into an Indian mystery, and in the very act in which the change commences, a corrupt, private interest is set up in direct opposition to the necessities of the nation. A diversion is made of millions of the public money from the public treasury to a private purse. It is not into secret negotiations for war, peace, or alliance, that the house of commons is forbidden to inquire. It is a matter of account; it is a pecuniary transaction; it is the demand of a suspected steward upon ruined tenants and an embarrassed master, that the commons of Great Britain are commanded not to inspect. The whole tenor of the right honorable gentleman's argument is consonant to the nature of his policy. The system of concealment is fostered by a system of falsehood. False facts, false colors, false names of persons and things, are its whole support.

Sir, I mean to follow the right honorable gentleman over that field of deception, clearing what he has purposely obscured, and fairly stating what it was necessary for him to misrepresent. For this purpose, it is necessary you should know with some degree of distinctness, a little of the locality, the nature, the circumstances, the magnitude of the pretended debts on which this marvelous donation is founded, as well as of the persons from whom and by whom it is claimed.

Madras, with its dependencies, is the second (but with a long interval the second) member of the British empire in the east. The trade of that city, and of the adjacent territory, was, not very long ago, among the most flourishing in Asia. But since the establishment of the British power, it has wasted away under an uniform gradual decline; insomuch that in the year 1779 not one merchant of eminence was to be found in the whole country.* During this period of decay, about six hundred thousand sterling pounds a year have been drawn off by English gentlemen on their private account, by the way of China alone.† If we add four hundred thousand, as pro-

* Mr. Smith's examination before the select committee, Appendix, No. 2.

† Appendix, No. 2.

bably remitted through other channels, and in other mediums, that is, in jewels, gold, and silver directly brought to Europe, and in bills upon the British and foreign companies, you will scarcely think the matter overrated. If we fix the commencement of this extraction of money from the Carnatic at a period no earlier than the year 1760, and close it in the year 1780, it probably will not amount to a great deal less than twenty millions of money.

During the deep silent flow of this steady stream of wealth, which set from India into Europe, it generally passed on with no adequate observation; but happening at some periods to meet rifts of rocks that checked its course, it grew more noisy and attracted more notice. The pecuniary discussions caused by an accumulation of part of the fortunes of their servants in a debt from the nabob of Arcot, was the first thing which very particularly called for, and long engaged, the attention of the court of directors. This debt amounted to eight hundred and eighty thousand pounds sterling, and was claimed, for the greater part, by English gentlemen, residing at Madras. This grand capital, settled at length by order at ten *per cent.* afforded an annuity of eighty-eight thousand pounds.*

Whilst the directors were digesting their astonishment at this information, a memorial was presented to them from three gentlemen, informing them that their friends had lent likewise, to merchants of Canton in China, a sum of not more than one million sterling. In this memorial they called upon the company for their assistance and interposition with the Chinese government for the recovery of the debt. This sum lent to Chinese merchants, was at 24 *per cent.* which would yield, if paid, an annuity of two hundred and forty thousand pounds.†

Perplexed as the directors were with these demands, you may conceive, sir, that they did not find themselves very

* Fourth report, Mr. Dundas's committee, p. 4.

† A witness examined before the committee of secrecy says that eighteen *per cent.* was the usual interest; but he had heard that more had been given. The above is the account which Mr. B. received.

much disembarrassed, by being made acquainted that they must again exert their influence for a new reserve of the happy parsimony of their servants, collected into a second debt from the nabob of Arcot, amounting to two millions four hundred thousand pounds, settled at an interest of twelve *per cent.* This is known by the name of the Consolidation of 1777, as the former of the nabob's debts was by the title of the Consolidation of 1767. To this was added, in a separate parcel, a little reserve called the Cavalry debt, of one hundred and sixty thousand pounds, at the same interest. The whole of these four capitals, amounting to four millions four hundred and forty thousand pounds, produced at their several rates, annuities amounting to six hundred and twenty-three thousand pounds a year; a good deal more than one third of the clear land tax of England, at four shillings in the pound; a good deal more than double the whole annual dividend of the East India Company, the nominal masters to the proprietors in these funds. Of this interest, three hundred and eighty-three thousand two hundred pounds a year stood chargeable on the public revenues of the Carnatic.

Sir, at this moment, it will not be necessary to consider the various operations which the capital and interest of this debt have successively undergone. I shall speak to these operations when I come particularly to answer the right honorable gentleman on each of the heads, as he has thought proper to divide them. But this was the exact view in which these debts first appeared to the court of directors, and to the world. It varied afterwards. But it never appeared in any other than a most questionable shape. When this gigantic phantom of debt first appeared before a young minister, it naturally would have justified some degree of doubt and apprehension. Such a prodigy would have filled any common man with superstitious fears. He would exorcise that shapeless, nameless form, and by every thing sacred would have adjured it to tell by what means a small number of slight individuals, of no consequence or situation, possessed of no lucrative offices, without the command of armies, or the known administration

of revenues, without profession of any kind, without any sort of trade sufficient to employ a pedlar, could have, in a few years (as to some even in a few months) amassed treasures equal to the revenues of a respectable kingdom? Was it not enough to put these gentlemen, in the novitiate of their administration, on their guard, and to call upon them for a strict inquiry (if not to justify them in a reprobation of those demands without any inquiry at all) that when all England, Scotland, and Ireland had for years been witness to the immense sums laid out by the servants of the company in stocks of all denominations, in the purchase of lands, in the buying and building of houses, in the securing quiet seats in parliament, or in the tumultuous riot of contested elections, in wandering throughout the whole range of those variegated modes of inventive prodigality, which sometimes have excited our wonder, sometimes roused our indignation; that after all India was four millions still in debt to *them?* India in debt to *them!* For what? Every debt for which an equivalent of some kind or other is not given, is on the face of it a fraud. What is the equivalent they have given? What equivalent had they to give? What are the articles of commerce, or the branches of manufacture which those gentlemen have carried hence to enrich India? What are the sciences they beamed out to enlighten it? What are the arts they introduced to cheer and to adorn it? What are the religious, what the moral institutions they have taught among that people as a guide to life, or as a consolation when life is to be no more, that there is an eternal debt, a debt "still paying still to owe," which must be bound on the present generation in India, and entailed on their mortgaged posterity for ever? A debt of millions, in favor of a set of men, whose names, with few exceptions, are either buried in the obscurity of their origin and talents, or dragged into light by the enormity of their crimes?

In my opinion the courage of the minister was the most wonderful part of the transaction, especially as he must have read, or rather the right honorable gentleman says, he has

read for him, whole volumes upon the subject. The volumes, by the way, are not by one tenth part so numerous as the right honorable gentleman has thought proper to pretend, in order to frighten you from inquiry; but in these volumes, such as they are, the minister must have found a full authority for a suspicion (at the very least) of every thing relative to the great fortunes made at Madras. What is that authority? Why no other than the standing authority for all the claims which the ministry has thought fit to provide for—the grand debtor—the nabob of Arcot himself. Hear that prince, in the letter written to the court of directors, at the precise period, whilst the main body of these debts were contracting. In his letter he states himself to be, what undoubtedly he is, a most competent witness to this point. After speaking of the war with Hyder Ali in 1768 and 1769, and of other measures which he censures (whether right or wrong it signifies nothing) and into which he says he had been led by the company's servants; he proceeds in this manner—"If all these things were against the real interests of the company, they are ten thousand times more against mine, and against the prosperity of my country, and the happiness of my people; for your interests and mine are the same. *What were they owing to then? to the private views of a few individuals, who have enriched themselves at the expense of your influence, and of my country; for your servants HAVE NO TRADE IN THIS COUNTRY; neither do you pay them high wages, yet in a few years they return to England with many lacks of pagodas. How can you or I account for such immense fortunes, acquired in so short a time, without any visible means of getting them?*"

When he asked this question, which involves its answer, it is extraordinary that curiosity did not prompt the chancellor of the exchequer to that inquiry, which might come in vain recommended to him by his own act of parliament. Does not the nabob of Arcot tell us in so many words, that there was no fair way of making the enormous sums sent by the company's servants to England? and do you imagine that there was or could be more honesty and good faith, in the demands

for what remained behind in India? Of what nature were the transactions with himself? If you follow the train of his information you must see, that if these great sums were at all lent, it was not property, but spoil that was lent; if not lent, the transaction was not a contract, but a fraud. Either way, if light enough could not be furnished to authorize a full condemnation of these demands, they ought to have been left to the parties, who best knew and understood each other's proceedings. It was not necessary that the authority of government should interpose in favor of claims, whose very foundation was a defiance of that authority, and whose object and end was its entire subversion.

It may be said that this letter was written by the nabob of Arcot in a moody humor, under the influence of some chagrin. Certainly it was; but it is in such humors that truth comes out. And when he tells you from his own knowledge, what every one must presume, from the extreme probability of the thing, whether he told it or not, one such testimony is worth a thousand that contradict that probability, when the parties have a better understanding with each other, and when they have a point to carry, that may unite them in a common deceit.

If this body of private claims of debt, real or devised, were a question, as it is falsely pretended, between the nabob of Arcot as debtor, and Paul Benfield and his associates as creditors, I am sure, I should give myself but little trouble about it. If the hoards of oppression were the fund for satisfying the claims of bribery and peculation, who would wish to interfere between such litigants? If the demands were confined to what might be drawn from the treasures, which the company's records uniformly assert that the nabob is in possession of; or if he had mines of gold or silver, or diamonds (as we know that he has none) these gentlemen might break open his hoards, or dig in his mines, without any disturbance from me. But the gentlemen on the other side of the house know as well as I do, and they dare not contradict me, that the nabob of Arcot and his creditors are not adversaries, but collusive parties, and that the whole transaction is under a false

color and false names. The litigation is not, nor ever has been, between their rapacity and his hoarded riches. No; it is between him and them combining and confederating on one side, and the public revenues, and the miserable inhabitants of a ruined country, on the other. These are the real plaintiffs and the real defendants in the suit. Refusing a shilling from his hoards for the satisfaction of any demand, the nabob of Arcot is always ready, nay, he earnestly, and with eagerness and passion, contends for delivering up to these pretended creditors his territory and his subjects. It is therefore not from treasuries and mines, but from the food of your unpaid armies, from the blood withheld from the veins, and whipt out of the backs of the most miserable of men, that we are to pamper extortion, usury, and peculation, under the false names of debtors and creditors of state.

The great patron of these creditors (to whose honor they ought to erect statues) the right honorable gentleman,* in stating the merits which recommended them to his favor, has ranked them under three grand divisions. The first, the creditors of 1767; then the creditors of the cavalry loan; and lastly, the creditors of the loan in 1777. Let us examine them, one by one, as they pass in review before us.

The first of these loans, that of 1767, he insists, has an indisputable claim upon the public justice. The creditors, he affirms, lent their money publicly; they advanced it with the express knowledge and approbation of the company; and it was contracted at the moderate interest of ten *per cent.* In this loan the demand is, according to him, not only just, but meritorious in a very high degree; and one would be inclined to believe he thought so, because he has put it last in the provision he has made for these claims.

I readily admit this debt to stand the fairest of the whole; for whatever may be my suspicions concerning a part of it, I can convict it of nothing worse than the most enormous usury. But I can convict upon the spot the right honorable gentleman,

* Mr. Dundas.

of the most daring misrepresentation in every one fact, without any exception, that he has alleged in defence of this loan, and of his own conduct with regard to it. I will shew you that this debt was never contracted with the knowledge of the company; that it had not their approbation; that they received the first intelligence of it with the utmost possible surprise, indignation and alarm.

So far from being previously apprized of the transaction from its origin, it was two years before the court of directors obtained any official intelligence of it. "The dealings of the servants with the nabob were concealed from the first, until they were found out," (says Mr. Sayer, the company's counsel,) "by the report of the country." The presidency, however, at last thought proper to send an official account. On this the directors tell them, "to your great reproach it has been *concealed from us*. We cannot but suspect this debt to have had its weight in your *proposed aggrandizement of Mahomed Ali* [the nabob of Arcot]; but whether it has or has not, certain it is, you are guilty of an high breach of duty in *concealing* it from us."

These expressions, concerning the ground of the transaction, its effect, and its clandestine nature, are in the letters, bearing date March 17, 1769. After receiving a more full account on the 23d March, 1770, they state, that "Messrs. John Pybus, John Call, and James Bourchier, as trustees for themselves and others of the nabob's private creditors, had proved a deed of assignment upon the nabob and his son of FIFTEEN districts of the nabob's country, the revenues of which yielded, in time of peace, eight lacks of pagodas [£320,000 sterling] annually; and likewise an assignment of the yearly tribute paid the nabob from the rajah of Tanjore, amounting to four lacks of rupees [£40,000]." The territorial revenue, at that time possessed by these gentlemen, without the knowledge or consent of their masters, amounted to three hundred and sixty thousand pounds sterling annually. They were making rapid strides to the entire possession of the country, when the directors, whom the right honorable

gentleman states as having authorized these proceedings, were kept in such profound ignorance of this royal acquisition of territorial revenue by their servants, that in the same letter they say, "this assignment was obtained by *three of the members of your board*, in January, 1767, yet we do not find the *least trace* of it upon your consultations, until August, 1768, nor do any of your letters to us afford any information relative to such transactions, till the 1st of November, 1768. By your last letters of the 8th of May, 1769, you bring the whole proceedings to light in one view."

As to the previous knowledge of the company, and its sanction to the debts, you see that this assertion of that knowledge is utterly unfounded. But did the directors approve of it, and ratify the transaction when it was known? The very reverse. On the same 3d of March, the directors declare, "upon an *impartial examination* of the whole conduct of our late governor and council of Fort George (Madras) and on the fullest consideration, that the said governor and council have, *in notorious violation of the trust* reposed in them, manifestly *preferred the interest of private individuals to that of the company*, in permitting the assignment of the revenues of certain valuable districts, to a very large amount, from the nabob to individuals,"—and then highly aggravating their crimes, they add "we order and direct that you do examine, in the most impartial manner, all the above-mentioned transactions; and that you *punish* by suspension, degradation, dismission, or otherwise, as to you shall seem meet, all and every such servant or servants of the company, who may by you be found guilty of any of the above offences." "We had (say the directors) the mortification to find that the servants of the company, who had been *raised, supported, and owed their present opulence to the advantages* gained in such service, have in this instance most *unfaithfully betrayed* their trust, *abandoned* the company's interest, and *prostituted* its influence to accomplish the *purposes of individuals, whilst the interest of the company is almost wholly neglected*, and payment to us rendered extremely precarious."

Here then is the rock of approbation of the court of directors, on which the right honorable gentleman says this debt was founded. Any member, Mr. Speaker, who should come into the house, on my reading this sentence of condemnation of the court of directors against their unfaithful servants, might well imagine that he had heard an harsh, severe, unqualified invective against the present ministerial board of control. So exactly do the proceedings of the patrons of this abuse tally with those of the actors in it, that the expressions used in the condemnation of the one, may serve for the reprobation of the other, without the change of a word.

To read you all the expressions of wrath and indignation fulminated in this despatch against the meritorious creditors of the right honorable gentleman, who according to him have been so fully approved by the company, would be to read the whole.

The right honorable gentleman, with an address peculiar to himself, every now and then slides in the presidency of Madras, as synonymous to the company. That the presidency did approve the debt, is certain. But the right honorable gentleman, as prudent in suppressing, as skilful in bringing forward his matter, has not chosen to tell you that the presidency were the very persons guilty of contracting this loan; creditors themselves, and agents and trustees for all the other creditors. For this the court of directors accuse them of breach of trust; and for this the right honorable gentleman considers them as perfectly good authority for those claims. It is pleasant to hear a gentleman of the law quote the approbation of creditors as an authority for their own debt.

How they came to contract the debt to themselves, how they came to act as agents for those whom they ought to have controlled, is for your inquiry. The policy of this debt was announced to the court of directors, by the very persons concerned in creating it. "Till very lately," (say the presidency) "the nabob placed his dependence on the

company. Now he has been taught by ill-advisers, that an interest out of doors may stand him in good stead. He has been made to believe that *his private creditors have power and interest to overrule the court of directors.*"* The nabob was not misinformed. The private creditors instantly qualified a vast number of votes; and having made themselves masters of the court of proprietors, as well as extending a powerful cabal in other places as important, they so completely overturned the authority of the court of directors at home and abroad, that this poor baffled government was soon obliged to lower its tone. It was glad to be admitted into partnership with its own servants. The court of directors, establishing the debt which they had reprobated as a breach of trust, and which was planned for the subversion of their authority, settled its payments on a par with those of the public; and even so, were not able to obtain peace or even equality in their demands. All the consequences lay in a regular and irresistible train. By employing their influence for the recovery of this debt, their orders, issued in the same breath, against creating new debts, only animated the strong desires of their servants to this prohibited prolific sport, and it soon produced a swarm of sons and daughters, not in the least degenerated from the virtue of their parents.

From that moment, the authority of the court of directors expired in the Carnatic, and every where else. "Every man," says the presidency, "who opposes the government and its measures, finds an immediate countenance from the nabob; even our discarded officers, however unworthy, are received into the nabob's service."† It was indeed a matter of no

* For the threats of the creditors, and total subversion of the authority of the company in favor of the nabob's power, and the increase thereby of his evil dispositions, and the great derangement of all public concerns, see select committee Fort St. George's letters, 21st November, 1769, and January 31st, 1770; September 11th, 1772. And governor Bourchier's letters to the nabob of Arcot, 21st November, 1769, and December 9th, 1769.

† "He [the nabob] is in a great degree the cause of our present inability; by diverting the revenues of the Carnatic through *private channels.*"—"Even this Peshcush [the Tanjore tribute] circumstanced as he and we are, he has assigned

wonderful sagacity to determine whether the court of directors, with their miserable salaries to their servants, of four or five hundred pounds a year, or the distributor of millions, was likely to be obeyed. It was an invention beyond the imagination of all the speculatists of our speculating age, to see a government quietly settled in one and the same town, composed of two distinct members; one to pay scantily for obedience, and the other to bribe high for rebellion and revolt.

The next thing which recommends this particular debt to the right honorable gentleman is, it seems, the moderate interest of ten *per cent.* It would be lost labor to observe on this assertion. The nabob, in a long apologetic letter* for the transaction between him and the body of the creditors, states the fact, as I shall state it to you. In the accumulation of this debt, the first interest paid was from thirty to thirty-six *per cent.* it was then brought down to twenty-five *per cent.* at length it was reduced to twenty; and there it found its rest. During the whole process, as often as any of these monstrous interests fell into an arrear, (into which they were continually falling) the arrear, formed into a new capital,† was added to the old, and the same interest of twenty *per cent.* accrued upon both. The company, having got some scent of the enormous usury which prevailed at Madras, thought it necessary to interfere, and to order all interests to be lowered to ten *per cent.* This order, which contained no exception, though it by no means pointed particularly to this

over to others, *who now set themselves in opposition to the company.*" Consultations, October 11, 1769, on the 12th communicated to the nabob.

* Nabob's letter to Governor Palk. Papers published by the directors in 1775; and papers printed by the same authority, 1781.

† See papers printed by order of a general court in 1780, p. 222, and p. 224, as also Nabob's letter to Governor Dupré, 19th July, 1771, "I have taken up loans by which I have suffered a loss of *upwards of a crore of pagodas* [four millions sterling] *by interest on an heavy interest.*"—Letter 15th January, 1772, "Notwithstanding I have taken much trouble, and have made many payments to my creditors, yet the load of my debt, *which became so great, by interest and compound interest,* is not cleared."

class of debts, came like a thunder-clap on the nabob. He considered his political credit as ruined; but to find a remedy to this unexpected evil, he again added to the old principal twenty *per cent.* interest accruing for the last year. Thus a new fund was formed; and it was on that accumulation of various principals, and interests heaped upon interests, not on the sum originally lent, as the right honorable gentleman would make you believe, that ten *per cent.* was settled on the whole.

When you consider the enormity of the interest at which these debts were contracted, and the several interests added to the principal, I believe you will not think me so skeptical, if I should doubt, whether for this debt of £880,000 the nabob ever saw £100,000 in real money. The right honorable gentleman suspecting, with all his absolute dominion over fact, that he never will be able to defend even this venerable patriarchal job, though sanctified by its numerous issue, and hoary with prescriptive years, has recourse to recrimination, the last resource of guilt. He says that this loan of 1767 was provided for in Mr. Fox's India bill; and judging of others by his own nature and principles, he more than insinuates, that this provision was made, not from any sense of merit in the claim, but from partiality to general Smith, a proprietor, and an agent for that debt. If partiality could have had any weight against justice and policy, with the then ministers and their friends, general Smith had titles to it. But the right honorable gentleman knows as well as I do, that general Smith was very far from looking on himself as partially treated in the arrangements of that time; indeed what man dared to hope for private partiality in that sacred plan for relief to nations?

It is not necessary that the right honorable gentleman should sarcastically call that time to our recollection. Well do I remember every circumstance of that memorable period. God forbid I should forget it. O illustrious disgrace! O victorious defeat! may your memorial be fresh and new to the latest generations! May the day of that generous conflict be

stamped in characters never to be canceled or worn out from the records of time! Let no man hear of us, who shall not hear that in a struggle against the intrigues of courts, and the perfidious levity of the multitude, we fell in the cause of honor, in the cause of our country, in the cause of human nature itself! But if fortune should be as powerful over fame, as she has been prevalent over virtue, at least our conscience is beyond her jurisdiction. My poor share in the support of that great measure, no man shall ravish from me. It shall be safely lodged in the sanctuary of my heart; never, never to be torn from thence, but with those holds that grapple it to life.

I say, I well remember that bill, and every one of its honest and its wise provisions. It is not true that this debt was ever protected or enforced, or any revenue whatsoever set apart for it. It was left in that bill just where it stood; to be paid or not to be paid out of the nabob's private treasures, according to his own discretion. The company had actually given it their sanction; though always relying for its validity on the sole security of the faith of him,* who, without their knowledge or consent, entered into the original obligation. It had no other sanction; it ought to have had no other. So far was Mr. Fox's bill from providing *funds* for it, as this ministry have wickedly done for this, and for ten times worse transactions, out of the public estate, that an express clause immediately preceded, positively forbidding any British subject from receiving assignments upon any part of the territorial revenue, on any pretence whatsoever.†

You recollect, Mr. Speaker, that the chancellor of the exchequer strongly professed to retain every part of Mr. Fox's bill which was intended to prevent abuse; but in *his* India bill, which (let me do justice) is as able and skilful a performance for its own purposes, as ever issued from the wit of man, premeditating this iniquity—*hoc ipsum ut strueret Trojamque aperiret Achivis*, expunged this essential clause, broke down

* The nabob of Arcot. † Appendix, No. 8.

the fence which was raised to cover the public property against the rapacity of his partisans, and thus leveling every obstruction, he made a firm, broad highway for sin and death, for usury and oppression, to renew their ravages throughout the devoted revenues of the Carnatic.

The tenor, the policy, and the consequences of this debt of 1767, are, in the eyes of ministry, so excellent, that its merits are irresistible; and it takes the lead to give credit and countenance to all the rest. Along with this chosen body of heavy armed infantry, and to support it, in the line, the right honorable gentleman has stationed his corps of black cavalry. If there be any advantage between this debt and that of 1769, according to him the cavalry debt has it. It is not a subject of defence; it is a theme of panegyric. Listen to the right honorable gentleman, and you will find it was contracted to save the country; to prevent mutiny in armies; to introduce economy in revenues; and for all these honorable purposes, it originated at the express desire, and by the representative authority of the company itself.

First, let me say a word to the authority. This debt was contracted not by the authority of the company, not by its representatives, (as the right honorable gentleman has the unparalleled confidence to assert) but in the ever-memorable period of 1777, by the usurped power of those who rebelliously, in conjunction with the nabob of Arcot, had overturned the lawful government of Madras. For that rebellion, this house unanimously directed a public prosecution. The delinquents, after they had subverted government, in order to make to themselves a party to support them in their power, are universally known to have dealt jobs about to the right and to the left, and to any who were willing to receive them. This usurpation, which the right honorable gentleman well knows, was brought about by and for the great mass of these pretended debts, is the authority which is set up by him to represent the company; to represent that company which from the first moment of their hearing of this corrupt and fraudulent transaction, to this hour, have uniformly disowned and disavowed it.

So much for the authority. As to the facts, partly true, and partly colorable, as they stand recorded, they are in substance these.—The nabob of Arcot, as soon as he had thrown off the superiority of this country by means of these creditors, kept up a great army which he never paid. Of course, his soldiers were generally in a state of mutiny.* The usurping council say that they labored hard with their master the nabob, to persuade him to reduce these mutinous and useless troops. He consented; but as usual, pleaded inability to pay them their arrears. Here was a difficulty. The nabob had no money; the company had no money; every public supply was empty. But there was one resource which no season has ever yet dried up in that climate. The *soucars* were at hand; that is, private English money-jobbers offered their assistance. Messieurs Taylor, Majendie and Call, proposed to advance the small sum of £160,000 to pay off the nabob's black cavalry, provided the company's authority was given for their loan. This was the great point of policy always aimed at, and pursued through a hundred devices by the servants at Madras. The presidency, who themselves had no authority for the functions they presumed to exercise, very readily gave the sanction of the company to those servants who knew that the company, whose sanction was demanded, had positively prohibited all such transactions.

However, so far as the reality of the dealing goes, all is hitherto fair and plausible; and here the right honorable gentleman concludes, with commendable prudence, his account of the business. But here it is I shall beg leave to commence my supplement: for the gentleman's discreet modesty has led him to cut the thread of the story somewhat abruptly. One of the most essential parties is quite forgotten. Why should the episode of the poor nabob be omitted? When that prince chooses it, nobody can tell his story better. Excuse me, if I apply again to my book, and give it you from the first hand; from the nabob himself.

* See Mr. Dundas's 1st, 2d and 3d reports.

"Mr. Stratton became acquainted with this, and got Mr. Taylor and others to lend me four lacks of pagodas towards discharging the arrears of pay of my troops. Upon this, I wrote a letter of thanks to Mr. Stratton; and upon the faith of this money being paid immediately, I ordered many of my troops to be discharged by a certain day, and lessened the number of my servants. Mr. Taylor, &c. some time after acquainted me, that they had no ready money, but they would grant teeps payable in four months. This astonished me; for I did not know what might happen, when the sepoys were dismissed from my service. I begged of Mr. Taylor and the others to pay this sum to the officers of my regiments at the time they mentioned; and desired the officers, at the same time, to pacify and persuade the men belonging to them, that their pay would be given to them *at the end of four months;* and that till those arrears were discharged, their pay should be continued to them. *Two years* are nearly expired since that time, but Mr. Taylor has not yet entirely discharged the arrears of those troops, and I am obliged to continue their pay from that time till this. I hoped to have been able, by this expedient, to have lessened the number of my troops, and discharged the arrears due to them, considering the trifle of interest to Mr. Taylor, and the others, as no great matter; but instead of this, *I am oppressed with the burthen of pay due to those troops; and the interest, which is going on to Mr. Taylor from the day the teeps were granted to him.*" What I have read to you is an extract of a letter from the nabob of the Carnatic to governor Rumbold, dated the 22d, and received the 24th of March, 1779.*

Suppose his highness not to be well broken in to things of this kind, it must indeed surprise so known and established a bond-vender, as the nabob of Arcot, one who keeps himself the largest bond warehouse in the world, to find that he was now to receive in kind; not to take money for his obligations, but to give his bond in exchange for the bond of

* See further Consultations, 3d February, 1778.

Messieurs Taylor, Majendie and Call, and to pay besides, a good smart interest, legally twelve *per cent.* (in reality perhaps twenty, or twenty-four *per cent.*) for this exchange of paper. But his troops were not to be so paid, or so disbanded. They wanted bread, and could not live by cutting and shuffling of bonds. The nabob still kept the troops in service, and was obliged to continue, as you have seen, the whole expense, to exonerate himself from which he became indebted to the soucars.

Had it stood here, the transaction would have been of the most audacious strain of fraud and usury, perhaps ever before discovered, whatever might have been practised and concealed. But the same authority (I mean the nabob's) brings before you something if possible more striking. He states, that for this their paper, he immediately handed over to these gentlemen something very different from paper; that is, the receipt of a territorial revenue, of which it seems they continued as long in possession as the nabob himself continued in possession of any thing. Their payments therefore not being to commence before the end of four months, and not being completed in two years, it must be presumed (unless they proved the contrary) that their payments to the nabob were made out of the revenues they had received from his assignment. Thus they condescended to accumulate a debt of £160,000 with an interest of twelve *per cent.* in compensation for a lingering payment to the nabob of £160,000 of his own money.

Still we have not the whole: about two years after the assignment of those territorial revenues to these gentlemen, the nabob receives a remonstrance from his chief manager, in a principal province, of which this is the tenor—"The *entire* revenue of those districts is by your highness's order set apart to discharge the tunkaws [assignments] granted to the Europeans. The gomastahs [agents] of Mr. Taylor, to Mr. De Prion, are there in order to collect those tunkaws; and as they receive *all* the revenue that is collected, your highness's troops have *seven or eight months pay due*, which they cannot

receive, and are thereby reduced to the greatest *distress*. *In such times*, it is highly necessary to provide for the sustenance of the troops that they may be ready to exert themselves in the service of your highness."

Here, sir, you see how these causes and effects act upon one another. One body of troops mutinies for want of pay; a debt is contracted to pay them; and they still remain unpaid. A territory destined to pay other troops, is assigned for this debt; and these other troops fall into the same state of indigence and mutiny with the first. Bond is paid by bond; arrear is turned into new arrear; usury engenders new usury; mutiny suspended in one quarter, starts up in another; until all the revenues, and all the establishments are entangled into one inextricable knot of confusion, from which they are only disengaged by being entirely destroyed. In that state of confusion, in a very few months after the date of the memorial I have just read to you, things were found, when the nabob's troops, famished to feed English soucars, instead of defending the country, joined the invaders, and deserted in entire bodies to Hyder Ali.*

The manner in which this transaction was carried on, shews that good examples are not easily forgot, especially by those who are bred in a great school. One of those splendid examples give me leave to mention, at a somewhat more early period, because one fraud furnishes light to the discovery of another, and so on, until the whole secret of mysterious iniquity bursts upon you in a blaze of detection. The paper I shall read you, is not on record. If you please you may take it on my word. It is a letter written from one of undoubted information in Madras, to Sir John Clavering, describing the practice that prevailed there, whilst the company's allies were under sale, during the time of Governor Winch's administration.

"——One mode," says Clavering's correspondent, "of

* Mr. Dundas's 1st report, p. 26, 29, and Appendix, No. 2, 10, 18, for the mutinous state and desertion of the nabob's troops for want of pay. See also report 4, of the same committee.

amassing money at the nabob's cost is curious. He is generally in arrears to the company. Here the governor, being cash keeper, is generally on good terms with the banker, who manages matters thus: the governor presses the nabob for the balance due from him; the nabob flies to his banker for relief; the banker engages to pay the money, and grants his notes accordingly, which he puts in the cash-book as ready money; the nabob pays him an interest for it at *two and three per cent. per mensem*, till the tunkaws he grants on the particular districts for it are paid. Matters in the mean time are so managed, that there is no call for this money for the company's service, till the tunkaws become due. By this means not a cash is advanced by the banker, though he receives a heavy interest from the nabob, which is divided as lawful spoil."

Here, Mr. Speaker, you have the whole art and mystery, the true freemason secret of the profession of *soucaring*; by which a few innocent, inexperienced young Englishmen, such as Mr. Paul Benfield, for instance, without property upon which any one would lend to themselves a single shilling, are enabled at once to take provinces in mortgage, to make princes their debtors, and to become creditors for millions.

But it seems the right honorable gentleman's favorite soucar cavalry, have proved the payment before the mayor's court at Madras! Have they so? Why then defraud our anxiety and their characters of that proof? Is it not enough that the charges which I have laid before you, have stood on record against these poor injured gentlemen for eight years? Is it not enough that they are in print by the orders of the East India Company for five years? After these gentlemen have borne all the odium of this publication, and all the indignation of the directors, with such unexampled equanimity, now that they are at length stimulated into feeling, are you to deny them their just relief? But will the right honorable gentleman be pleased to tell us, how they came not to give this satisfaction to the court of directors, their lawful masters, during all the eight years of this litigated claim?

Were they not bound, by every tie that can bind man, to give them this satisfaction? This day, for the first time, we hear of the proofs. But when were these proofs offered? In what cause? Who were the parties? Who inspected? Who contested this belated account? Let us see something to oppose to the body of record which appears against them. The mayor's court! the mayor's court! Pleasant! Does not the honorable gentleman know, that the first corps of creditors (the creditors of 1767) stated it as a sort of hardship to them, that they could not have justice at Madras, from the impossibility of their supporting their claims in the mayor's court? Why? because, say they, the members of that court were themselves creditors, and therefore could not sit as judges.* Are we ripe to say that no creditor under similar circumstances was member of the court, when the payment which is the ground of this cavalry debt was put in proof?† Nay, are we not in a manner compelled to conclude, that the court was so constituted, when we know there is scarcely a man in Madras, who has not some participation in these transactions? It is a shame to hear such proofs mentioned, instead of the honest vigorous scrutiny which the circumstances of such an affair so indispensably calls for.

But his majesty's ministers, indulgent enough to other scrutinies, have not been satisfied with authorizing the payment of this demand without such inquiry as the act has prescribed; but they have added the arrear of twelve *per cent.* interest, from the year 1777 to the year 1784, to make a new

* Memorial from the creditors to the governor and council, 22d January, 1770.

† In the year 1778, Mr. James Call, one of the proprietors of this specific debt, was actually mayor. Appendix to 2d report of Mr. Dundas's committee, No. 65.—The only proof which appeared on the inquiry instituted in the general court of 1781, was an affidavit of the *lenders themselves*, deposing (what nobody ever denied) that they had *engaged* and *agreed* to pay—not that they *had* paid the sum of £160,000. This was two years after the transaction; and the affidavit is made before George Proctor, mayor, an attorney for certain of the old creditors. Proceedings of the president and council of Fort Saint George, 22d February, 1779.

capital, raising thereby 160 to £294,000. Then they charge a new twelve *per cent.* on the whole from that period, for a transaction, in which it will be a miracle if a single penny will be ever found really advanced from the private stock of the pretended creditors.

In this manner, and at such an interest, the ministers have thought proper to dispose of £294,000 of the public revenues, for what is called the *cavalry loan.* After despatching this, the right honorable gentleman leads to battle his last grand division, the consolidated debt of 1777. But having exhausted all his panegyric on the two first, he has nothing at all to say in favor of the last. On the contrary, he admits that it was contracted in defiance of the company's orders, without even the pretended sanction of any pretended representatives. Nobody, indeed, has yet been found hardy enough to stand forth avowedly in its defence. But it is little to the credit of the age, that what has not plausibility enough to find an advocate, has influence enough to obtain a protector. Could any man expect to find that protector any where? But what must every man think, when he finds that protector in the chairman of the committee of secrecy,* who had published to the house, and to the world, the facts that condemn these debts—the orders that forbid the incurring of them—the dreadful consequences which attended them. Even in his official letter, when he tramples on his parliamentary report, yet his general language is the same. Read the preface to this part of the ministerial arrangement, and you would imagine that this debt was to be crushed, with all the weight of indignation which could fall from a vigilant guardian of the public treasury, upon those who attempted to rob it. What must be felt by every man who has feeling, when, after such a thundering preamble of condemnation, this debt is ordered to be paid without any sort of inquiry into its authenticity? without a single step taken to settle even the amount of the demand; without an attempt so much as to ascertain the real

* Right honorable Henry Dundas.

persons claiming a sum, which rises in the accounts from one million three hundred thousand pound sterling to two million four hundred thousand pound principal money;† without an attempt made to ascertain the proprietors, of whom no list has ever yet been laid before the court of directors; of proprietors who are known to be in a collusive shuffle, by which they never appear to be the same in any two lists, handed about for their own particular purposes.

My honorable friend who made you the motion, has sufficiently exposed the nature of this debt. He has stated to you that *its own agents* in the year 1781, in the arrangement *they proposed* to make at Calcutta, were satisfied to have twenty-five *per cent.* at once struck off from the capital of a great part of this debt; and prayed to have a provision made for this reduced principal, without any interest at all. This was an arrangement of their *own*, an arrangement made by those who best knew the true constitution of their own debt; who knew how little favor it merited,† and how little hopes they had to find any persons in authority abandoned enough to support it as it stood.

But what corrupt men, in the fond imaginations of a sanguine avarice, had not the confidence to propose, they have found a chancellor of the exchequer in England hardy enough to undertake for them. He has cheered their drooping spirits. He has thanked the peculators for not despairing of their commonwealth. He has told them they were too modest. He

* Appendix to the 4th report of Mr. Dundas's committee, No. 15.

† "No sense of the common danger, in case of a war, can prevail on him [the nabob of Arcot] to furnish the company with what is absolutely necessary to assemble an army, though it is beyond a doubt, that money to a large amount is now hoarded up in his coffers at Chepauk; and tunkaws are granted to *individuals* upon some of his most *valuable countries*, for payment of part of those debts which he has contracted, and *which certainly will not bear inspection, as neither debtor nor creditors have ever had the confidence to submit the accounts to our examination*, though they expressed a wish to consolidate the debts under the auspices of this government, agreeably to a plan they had formed." Madras Consultations, 20th July, 1778. Mr. Dundas's Appendix to 2d Report, 143. See also last Appendix to ditto Report, No. 376 B.

in the country. These two motives (for the plainest reasons in the world) the right honorable gentleman has this day thought fit totally to abandon. In the first place, he rejects the authority of the nabob of Arcot. It would indeed be pleasant to see him adhere to this exploded testimony. He next, upon grounds equally solid, abandons the benefits of that circulation, which was to be produced by drawing out all the juices of the body. Laying aside, or forgetting these pretences of his despatch, he has just now assumed a principle totally different, but to the full as extraordinary. He proceeds upon a supposition, that many of the claims may be fictitious. He then finds, that in a case where many valid and many fraudulent claims are blended together, the best course for their discrimination is indiscriminately to establish them all. He trusts (I suppose) as there may not be a fund sufficient for every description of creditors, that the best warranted claimants will exert themselves in bringing to light those debts which will not bear an inquiry. What he will not do himself, he is persuaded will be done by others; and for this purpose he leaves to any person a general power of excepting to the debt. This total change of language and prevarication in principle, is enough, if it stood alone, to fix the presumption of unfair dealing. His despatch assigns motives of policy, concord, trade, and circulation. His speech proclaims discord and litigation; and proposes, as the ultimate end, detection.

But he may shift his reasons, and wind, and turn as he will, confusion waits him at all his doubles. Who will undertake this detection? Will the nabob? But the right honorable gentleman has himself this moment told us, that no prince of the country can by any motive be prevailed upon to discover any fraud that is practised upon him by the company's servants. He says what (with the exception of the complaint against the cavalry loan) all the world knows to be true: and without that prince's concurrence, what evidence can be had of the fraud of any of the smallest of these demands? The ministers never authorized any person to enter

into his exchequer, and to search his records. Why then this shameful and insulting mockery of a pretended contest? Already contests for a preference have arisen among these rival bond creditors. Has not the company itself struggled for a preference for years, without any attempt at detection of the nature of those debts with which they contended? Well is the nabob of Arcot attended to in the only specific complaint he has ever made. He complained of unfair dealing in the cavalry loan. It is fixed upon him with interest on interest; and this loan is excepted from all power of litigation.

This day, and not before, the right honorable gentleman thinks that the general establishment of all claims is the surest way of laying open the fraud of some of them. In India this is a reach of deep policy. But what would be thought of this mode of acting on a demand upon the treasury in England? Instead of all this cunning, is there not one plain way open, that is, to put the burthen of the proof on those who make the demand? Ought not ministry to have said to the creditors, "The person who admits your debt stands excepted to as evidence; he stands charged as a collusive party, to hand over the public revenues to you for sinister purposes? You say, you have a demand of some millions on the Indian treasury; prove that you have acted by lawful authority; prove at least that your money has been *bonâ fide* advanced; entitle yourself to my protection, by the fairness and fulness of the communications you make." Did an honest creditor ever refuse that reasonable and honest test?

There is little doubt, that several individuals have been seduced by the purveyors to the nabob of Arcot, to put their money (perhaps the whole of honest and laborious earnings) into their hands, and that at such high interest, as, being condemned at law, leaves them at the mercy of the great managers whom they trusted. These seduced creditors are probably persons of no power or interest, either in England or India, and may be just objects of compassion. By taking, in this arrangement, no measures for discrimination and discovery, the fraudulent and the fair are in the first instance con-

founded in one mass. The subsequent selection and distribution is left to the nabob. With him the agents and instruments of his corruption, whom he sees to be omnipotent in England, and who may serve him in future, as they have done in times past, will have precedence, if not an exclusive preference. These leading interests domineer, and have always domineered, over the whole. By this arrangement, the persons seduced are made dependent on their seducers; honesty (comparative honesty at least) must become of the party of fraud, and must quit its proper character, and its just claims, to entitle itself to the alms of bribery and peculation.

But be these English creditors what they may, the creditors, most certainly not fraudulent, are the natives, who are numerous and wretched indeed: by exhausting the whole revenues of the Carnatic, nothing is left for them. They lent *bonâ fide;* in all probability they were even forced to lend, or to give goods and service for the nabob's obligations. They had no trusts to carry to his market. They had no faith of alliances to sell. They had no nations to betray to robbery and ruin. They had no lawful government seditiously to overturn; nor had they a governor, to whom it is owing that you exist in India, to deliver over to captivity, and to death, in a shameful prison.*

These were the merits of the principal part of the debt of 1777, and the universally conceived causes of its growth; and thus the unhappy natives are deprived of every hope of payment for their real debts, to make provision for the arrears of unsatisfied bribery and treason. You see in this instance, that the presumption of guilt is not only no exception to the demands on the public treasury; but with these ministers it is a necessary condition to their support. But that you may not think this preference solely owing to their known contempt of the natives, who ought with every generous mind to claim their first charities; you will find the same rule religiously observed with Europeans too. Attend, sir, to this deci-

* Lord Pigot.

sive case. Since the beginning of the war, besides arrears of every kind, a bond debt has been contracted at Madras, uncertain in its amount, but represented from four hundred thousand pounds to a million sterling. It stands only at the low interest of eight *per cent.* Of the legal authority on which this debt was contracted, of its purposes for the very being of the state, of its publicity and fairness, no doubt has been entertained for a moment. For this debt, no sort of provision whatever has been made. It is rejected as an outcast, whilst the whole undissipated attention of the minister has been employed for the discharge of claims entitled to his favor by the merits we have seen.

I have endeavored to find out, if possible, the amount of the whole of those demands, in order to see how much, supposing the country in a condition to furnish the fund, may remain to satisfy the public debt and the necessary establishments. But I have been foiled in my attempt. About one fourth, that is about £220,000 of the loan of 1767, remains unpaid. How much interest is in arrear, I could never discover; seven or eight years at least, which would make the whole of that debt about £396,000. This stock, which the ministers in their instructions to the governor of Madras state as the least exceptionable, they have thought proper to distinguish by a marked severity, leaving it the only one, on which the interest is not added to the principal, to beget a new interest.

The cavalry loan, by the operation of the same authority, is made up to £294,000 and this £294,000 made up of principal and interest, is crowned with a new interest of twelve *per cent.*

What the grand loan, the bribery loan of 1777, may be, is amongst the deepest mysteries of state. It is probably the first debt ever assuming the title of consolidation, that did not express what the amount of the sum consolidated was. It is little less than a contradiction in terms. In the debt of the year 1767, the sum was stated in the act of consolidation, and made to amount to £880,000 capital. When this consolidation of 1777 was first announced at the Durbar, it was

represented authentically at £2,400,000. In that, or rather in a higher state, Sir Thomas Rumbold found and condemned it.* It afterwards fell into such a terror, as to sweat away a million of its weight at once; and it sunk to £1,400,000.† However it never was without a resource for recruiting it to its old plumpness. There was a sort of floating debt of about 4 or £500,000 more ready to be added, as occasion should require.

In short, when you pressed this sensitive plant, it always contracted its dimensions. When the rude hand of inquiry was withdrawn, it expanded in all the luxuriant vigor of its original vegetation. In the treaty of 1781, the whole of the nabob's debt to private Europeans is by Mr. Sullivan, agent to the nabob and his creditors, stated at £2,800,000, which (if the cavalry loan and the remains of the debt of 1767 be subtracted) leaves it nearly at the amount originally declared at the Durbar, in 1777. But then there is a private instruction to Mr. Sullivan, which it seems will reduce it again to

* In Sir Thomas Rumbold's letter to the court of directors, March 15th, 1778, he represents it as higher, in the following manner:—"How shall I paint to you my astonishment on my arrival here, when I was informed that independent of this four lacks of pagodas [the cavalry loan]; independent of the nabob's debt to his old creditors, and the money due to the company; he had contracted a debt to the enormous amount of sixty-three lacks of pagodas [£2,520,000.] I mention this circumstance to you *with horror;* for the creditors being in general *servants of the company*, renders my task on the part of the company, *difficult and invidious*."—"I have freed the sanction of this government from *so corrupt* a transaction. It is in my mind the most venal of all proceedings, to give the company's protection to debts that cannot bear the light; and though it appears exceedingly alarming, that a country, on which you are to depend for resources, should be so involved, as to be nearly three years' revenue in debt; in a country too, where one year's revenue can never be called *secure*, by men who know any thing of the politics of this part of India."—"I think it proper to mention to you, that although the *nabob reports his private debt to amount to upwards of sixty lacks*, yet I understand that it is not quite so much." Afterwards Sir Thomas Rumbold recommended this debt to the favorable attention of the company, but without any sufficient reason for his change of disposition. However he went no further.

† Nabob's proposals, November 25th, 1778; and memorial of the creditors, March 1st, 1779.

the lower standard of £1,400,000. Failing in all my attempts by a direct account, to ascertain the extent of the capital claimed, (where in all probability no capital was ever advanced) I endeavored, if possible, to discover it by the interest which was to be paid. For that purpose, I looked to the several agreements for assigning the territories of the Carnatic to secure the principal and interest of this debt. In one of them* I found in a sort of postscript, by way of an additional remark, (not in the body of the obligation) the debt represented at £1,400,000. But when I computed the sums to be paid for interest by instalments in another paper, I found they produced an interest of two millions, at twelve *per cent.* and the assignments supposed, that if these instalments might exceed, they might also fall short of the real provision for that interest.†

Another instalment bond was afterwards granted. In that bond the interest exactly tallies with a capital of £1,400,000.‡ But pursuing this capital through the correspondence, I lost sight of it again, and it was asserted that this instalment bond was considerably short of the interest that ought to be computed to the time mentioned.§ Here are, therefore, two statements of equal authority, differing at least a million from each other; and as neither persons claiming, nor any special sum as belonging to each particular claimant, is ascertained in the instruments of consolidation, or in the instalment bonds, a large scope was left to throw in any sums for any persons, as their merits in advancing the interest of that loan might require; a power was also left for reduction, in case a harder hand, or more scanty funds, might be found to require it. Stronger grounds for a presumption of fraud never appeared in any transaction. But the ministers, faithful to the plan of the interested persons, whom alone they thought fit to confer with on this occasion, have ordered the payment of the whole

* Nabob's proposals to his new consolidated creditors, November 25th, 1778.

† Paper signed by the nabob, 6th January, 1780.

‡ Kistbundi to July 31, 1780.

§ Governor's letter to the nabob, 25th July, 1779.

mass of these unknown unliquidated sums, without an attempt to ascertain them. On this conduct, sir, I leave you to make your own reflections.

It is impossible (at least I have found it impossible) to fix on the real amount of the pretended debts with which your ministers have thought proper to load the Carnatic. They are obscure; they shun inquiry; they are enormous. That is all you know of them.

That you may judge what chance any honorable and useful end of government has for a provision that comes in for the leavings of these gluttonous demands, I must take it on myself to bring before you the real condition of that abused, insulted, racked, and ruined country; though in truth my mind revolts from it; though you will hear it with horror; and I confess I tremble when I think on these awful and confounding dispensations of Providence. I shall first trouble you with a few words as to the cause.

The great fortunes made in India in the beginnings of conquest, naturally excited an emulation in all the parts, and through the whole succession of the company's service. But in the company it gave rise to other sentiments. They did not find the new channels of acquisition flow with equal riches to them. On the contrary, the high flood tide of private emolument was generally in the lowest ebb of their affairs. They began also to fear, that the fortune of war might take away what the fortune of war had given. Wars were accordingly discouraged by repeated injunctions and menaces; and that the servants might not be bribed into them by the native princes, they were strictly forbidden to take any money whatsoever from their hands. But vehement passion is ingenious in resources. The company's servants were not only stimulated, but better instructed by the prohibition. They soon fell upon a contrivance which answered their purposes far better than the methods which were forbidden; though in this also they violated an ancient, but they thought, an abrogated order. They reversed their proceedings. Instead of receiving presents, they made loans. Instead of carrying on wars

in their own name, they contrived an authority, at once irresistible and irresponsible, in whose name they might ravage at pleasure; and being thus freed from all restraint, they indulged themselves in the most extravagant speculations of plunder. The cabal of creditors who have been the object of the late bountiful grant from his majesty's ministers, in order to possess themselves, under the name of creditors and assignees, of every country in India, as fast as it should be conquered, inspired into the mind of the nabob of Arcot (then a dependent on the company of the humblest order) a scheme of the most wild and desperate ambition that I believe ever was admitted into the thoughts of a man so situated.* First, they persuaded him to consider himself as a principal member in the political system of Europe. In the next place, they held out to him, and he readily imbibed, the idea of the general empire of Indostan. As a preliminary to this undertaking, they prevailed on him to propose a tripartite division of that vast country. One part to the company; another to the Marattas; and the third to himself. To himself he reserved all the southern part of the great peninsula, comprehended under the general name of the Decan.

On this scheme of their servants, the company was to appear in the Carnatic in no other light than as a contractor for the provision of armies, and the hire of mercenaries for his use, and under his direction. This disposition was to be secured by the nabob's putting himself under the guarantee of France; and by the means of that rival nation, preventing the English for ever from assuming an equality, much less a superiority in the Carnatic. In pursuance of this treasonable project (treasonable on the part of the English) they extinguished the company as a sovereign power in that part of India; they withdrew the company's garrisons out

* Report of the select committee, Madras Consultations, January 7, 1771. See also papers published by order of the court of directors in 1776; and lord Macartney's correspondence with Mr. Hastings and the nabob of Arcot. See also Mr. Dundas's Appendix, No. 376 B. Nabob's propositions through Mr. Sullivan and Assam Khân, Art. 6, and indeed the whole.

of all the forts and strong holds of the Carnatic; they declined to receive the ambassadors from foreign courts, and remitted them to the nabob of Arcot; they fell upon, and totally destroyed the oldest ally of the company, the king of Tanjore, and plundered the country to the amount of near five millions sterling; one after another, in the nabob's name, but with English force, they brought into a miserable servitude all the princes, and great independent nobility of a vast country.* In proportion to these treasons and violences, which ruined the people, the fund of the nabob's debt grew and flourished.

Among the victims to this magnificent plan of universal plunder, worthy of the heroic avarice of the projectors, you have all heard (and he has made himself to be well remembered) of an Indian chief called Hyder Ali Khan. This man possessed the western, as the company under the name of the nabob of Arcot does the eastern, division of the Carnatic. It was among the leading measures in the design of this cabal (according to their own emphatic language) to *extirpate* this Hyder Ali.† They declared the nabob of Arcot to be his sovereign, and himself to be a rebel, and publicly invested their instrument with the sovereignty of the kingdom of Mysore. But their victim was not of the passive kind. They were soon obliged to conclude a treaty of peace and close alliance with this rebel, at the gates of Madras. Both before and since this treaty, every principle of policy pointed out this power as a natural alliance; and on his part, it was courted by every sort of amicable office. But the cabinet

* "The principal object of the expedition is to get money from Tanjore to pay the nabob's debts: if a surplus, to be applied in discharge of the nabob's debts to his private creditors." Consultations, March 20, 1771; and for further lights, Consultations, 12th June, 1771. "We are alarmed lest this debt to *individuals* should have been the *real* motive for the aggrandizement of Mahomed Ali [the nabob of Arcot] and that *we are plunged into a war* to put him in possession of the Mysore revenues *for the discharge of the debt*." Letter from the directors, March 17, 1769.

† Letter from the nabob, May 1st, 1768; and ditto, 24th April, 1770, 1st October; ditto, 16th September, 1772, 16th March, 1773.

council of English creditors would not suffer their nabob of Arcot to sign the treaty, nor even to give to a prince, at least his equal, the ordinary titles of respect and courtesy.* From that time forward, a continued plot was carried on within the divan, black and white, of the nabob of Arcot, for the destruction of Hyder Ali. As to the outward members of the double, or rather treble government of Madras, which had signed the treaty, they were always prevented by some overruling influence (which they do not describe, but which cannot be misunderstood,) from performing what justice and interest combined so evidently to enforce.†

When at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty, and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorable example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leave the whole Carnatic an everlasting monument of vengeance, and to put perpetual desolation as a barrier between him and those, against whom the faith which holds the moral elements of the world together, was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his disputes with every enemy, and every rival, who buried their mutual animosities in their common detestation against the creditors of the nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation, into one black cloud, he hung for awhile on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it sud-

* Letter from the presidency at Madras to the court of directors, 27th June, 1769.

† Mr. Dundas's committee, Report 1. Appendix No. 29.

denly burst, and poured down the whole of its contents upon the plains of the Carnatic. Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of, were mercy to that new havoc. A storm of universal fire blasted every field, consumed every house, destroyed every temple. The miserable inhabitants flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank, or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers, and the trampling of pursuing horses, were swept into captivity, in an unknown and hostile land. Those who were able to evade this tempest, fled to the walled cities. But escaping from fire, sword, and exile, they fell into the jaws of famine.

The alms of the settlement, in this dreadful exigency, were certainly liberal; and all was done by charity that private charity could do: but it was a people in beggary; it was a nation which stretched out its hands for food. For months together, these creatures of sufferance, whose very excess and luxury in their most plenteous days, had fallen short of the allowance of our austerest fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by an hundred a day in the streets of Madras; every day seventy at least laid their bodies in the streets, or on the glacis of Tanjore, and expired of famine in the granary of India. I was going to awake your justice towards this unhappy part of our fellow citizens, by bringing before you some of the circumstances of this plague of hunger. Of all the calamities which beset and waylay the life of man, this comes the nearest to our heart, and is that wherein the proudest of us all feels himself to be nothing more than he is: but I find myself unable to manage it with decorum; these details are of a species of horror so nauseous and disgusting; they are so degrading to the sufferers and to the hearers; they are so humiliating to human nature itself, that, on better thoughts, I

find it more advisable to throw a pall over this hideous object, and to leave it to your general conceptions.

For eighteen months, without intermission, this destruction raged from the gates of Madras to the gates of Tanjore; and so completely did these masters in their art, Hyder Ali, and his more ferocious son, absolve themselves of their impious vow, that when the British armies traversed, as they did, the Carnatic for hundreds of miles in all directions, through the whole line of their march they did not see one man, not one woman, not one child, not one four-footed beast of any description whatever. One dead uniform silence reigned over the whole region. With the inconsiderable exceptions of the narrow vicinage of some few forts, I wish to be understood as speaking literally;—I mean to produce to you more than three witnesses, above all exception, who will support this assertion in its full extent. That hurricane of war passed through every part of the central provinces of the Carnatic. Six or seven districts to the north and to the south (and these not wholly untouched) escaped the general ravage.*

The Carnatic is a country not much inferior in extent to England. Figure to yourself, Mr. Speaker, the land in whose representative chair you sit; figure to yourself the form and fashion of your sweet and cheerful country from Thames to Trent, north and south, and from the Irish to the German sea, east and west, emptied and emboweled (may God avert the omen of our crimes!) by so accomplished a desolation. Extend your imagination a little further, and then suppose your ministers taking a survey of this scene of waste and desolation; what would be your thoughts if you should be informed, that they were computing how much had been the amount of the excises, how much the customs, how much the land and malt tax, in order that they should charge (take it in the most favorable light) for public service, upon the relics of the satiated vengeance of relentless enemies, the whole of what England had yielded

* Appendix No. 4, Report of the Committee of assigned Revenue.

in the most exuberant seasons of peace and abundance? What would you call it? To call it tyranny, sublimed into madness, would be too faint an image; yet this very madness is the principle upon which the ministers at your right hand have proceeded in their estimate of the revenues of the Carnatic, when they were providing not supply for the establishments of its protection, but rewards for the authors of its ruin.

Every day you are fatigued and disgusted with this cant, "the Carnatic is a country that will soon recover, and become instantly as prosperous as ever." They think they are talking to innocents, who will believe that by sowing of dragons' teeth, men may come up ready grown and ready armed. They who will give themselves the trouble of considering (for it requires no great reach of thought, no very profound knowledge,) the manner in which mankind are increased, and countries cultivated, will regard all this raving as it ought to be regarded. In order that the people, after a long period of vexation and plunder, may be in a condition to maintain government, government must begin by maintaining them.—Here the road to economy lies not through receipt, but through expense; and in that country nature has given no short cut to your object. Men must propagate, like other animals, by the mouth. Never did oppression light the nuptial torch; never did extortion and usury spread out the genial bed. Does any one of you think that England, so wasted, would, under such a nursing attendance, so rapidly and cheaply recover? But he is meanly acquainted with either England or India, who does not know that England would a thousand times sooner resume population, fertility, and what ought to be the ultimate secretion from both, revenue, than such a country as the Carnatic.

The Carnatic is not by the bounty of nature a fertile soil. The general size of its cattle is proof enough that it is much otherwise. It is some days since I moved, that a curious and interesting map, kept in the India House, should be laid before you.* The India House is not yet in readiness to send it;

* Mr. Barnard's map of the Jaghire.

I have therefore brought down my own copy, and there it lies for the use of any gentleman who may think such a matter worthy of his attention. It is indeed a noble map, and of noble things; but it is decisive against the golden dreams and sanguine speculations of avarice run mad. In addition to what you know must be the case in every part of the world (the necessity of a previous provision of habitation, seed, stock, capital,) that map will show you, that the uses of the influences of Heaven itself, are in that country a work of art. The Carnatic is refreshed by few or no living brooks or running streams, and it has rain only at a season; but its product of rice exacts the use of water subject to perpetual command. This is the national bank of the Carnatic, on which it must have a perpetual credit, or it perishes irretrievably. For that reason, in the happier times of India, a number, almost incredible, of reservoirs have been made in chosen places throughout the whole country; they are formed for the greater part of mounds of earth and stones, with sluices of solid masonry; the whole constructed with admirable skill and labor, and maintained at a mighty charge. In the territory contained in that map alone, I have been at the trouble of reckoning the reservoirs, and they amount to upwards of eleven hundred, from the extent of two or three acres to five miles in circuit. From these reservoirs currents are occasionally drawn over the fields, and these watercourses again call for a considerable expense to keep them properly scoured and duly leveled. Taking the district in that map as a measure, there cannot be in the Carnatic and Tanjore fewer than ten thousand of these reservoirs of the larger and middling dimensions, to say nothing of those for domestic services, and the use of religious purification. These are not the enterprises of your power, nor in a style of magnificence suited to the taste of your minister. These are the monuments of real kings, who were the fathers of their people; testators to a posterity which they embraced as their own. These are the grand sepulchres built by ambition; but by the ambition of an insatiable benevolence, which, not contented with reigning in the dispensation of happiness

during the contracted term of human life, had strained, with all the reachings and graspings of a vivacious mind, to extend the dominion of their bounty beyond the limits of nature, and to perpetuate themselves through generations of generations, the guardians, the protectors, the nourishers of mankind.

Long before the late invasion, the persons who are objects of the grant of public money now before you, had so diverted the supply of the pious funds of culture and population, that every where the reservoirs were fallen into a miserable decay.* But after those domestic enemies had provoked the entry of a cruel foreign foe into the country, he did not leave it, until his revenge had completed the destruction begun by their avarice. Few, very few indeed, of these magazines of water that are not either totally destroyed, or cut through with such gaps, as to require a serious attention and much cost to re-establish them, as the means of present subsistence to the people, and of future revenue to the state.

What, sir, would a virtuous and enlightened ministry do on the view of the ruins of such works before them? On the view of such a chasm of desolation as that which yawned in the midst of those countries to the north and south, which still bore some vestiges of cultivation? They would have reduced all their most necessary establishments; they would have suspended the justest payments; they would have employed every shilling derived from the producing, to reanimate the powers of the unproductive parts. While they were performing this fundamental duty, whilst they were celebrating these mysteries of justice and humanity, they would have told the corps of fictitious creditors, whose crimes were their claims, that they must keep an awful distance; that they must silence their inauspicious tongues; that they must hold off their profane unhallowed paws from this holy work; they would have proclaimed with a voice that should make itself heard, that on every country the first creditor is the plough; that this original, indefeasible claim supersedes every other demand.

* See Report IV. Mr. Dundas's Committee, p. 46.

This is what a wise and virtuous ministry would have done and said. This, therefore, is what our minister could never think of saying or doing. A ministry of another kind would have first improved the country, and have thus laid a solid foundation for future opulence and future force. But on this grand point of the restoration of the country, there is not one syllable to be found in the correspondence of our ministers, from the first to the last: they felt nothing for a land desolated by fire, sword, and famine; their sympathies took another direction; they were touched with pity for bribery, so long tormented with a fruitless itching of its palms; their bowels yearned for usury, that had long missed the harvest of its returning months;* they felt for peculation which had been for so many years raking in the dust of an empty treasury; they were melted into compassion for rapine and oppression, licking their dry, parched, unbloody jaws. These were the objects of their solicitude. These were the necessities for which they were studious to provide.

To state the country and its revenues in their real condition, and to provide for those fictitious claims, consistently with the support of an army and a civil establishment, would have been impossible; therefore the ministers are silent on that head, and rest themselves on the authority of lord Macartney, who, in a letter to the court of directors, written in the year 1781, speculating on what might be the result of a wise management of the countries assigned by the nabob of Arcot, rates the revenue as in time of peace, at twelve hundred thousand pounds a year, as he does those of the king of Tanjore (which had not been assigned) at four hundred and fifty. On this lord Macartney grounds his calculations, and on this they choose to ground theirs. It was on this calculation that the ministry, in direct opposition to the remonstrances of the court of directors, have compelled that miserable, enslaved body, to put their hands to an order for appropriating the enormous sum of £480,000 annually, as a fund for paying to their rebel-

* Interest is rated in India by the month.

lious servants a debt contracted in defiance of their clearest and most positive injunctions.

The authority and information of lord Macartney is held high on this occasion, though it is totally rejected in every other particular of this business. I believe I have the honor of being almost as old an acquaintance as any lord Macartney has. A constant and unbroken friendship has subsisted between us, from a very early period; and, I trust, he thinks, that as I respect his character, and in general admire his conduct, I am one of those who feel no common interest in his reputation. Yet I do not hesitate wholly to disallow the calculation of 1781, without any apprehension that I shall appear to distrust his veracity or his judgment. This peace estimate of revenue was not grounded on the state of the Carnatic as it then, or as it had recently, stood. It was a statement of former and better times. There is no doubt that a period did exist, when the large portion of the Carnatic held by the nabob of Arcot might be fairly reputed to produce a revenue to that, or to a greater amount. But the whole had so melted away by the slow and silent hostility of oppression and mismanagement, that the revenues, sinking with the prosperity of the country, had fallen to about £800,000 a year, even before an enemy's horse had imprinted his hoof on the soil of the Carnatic. From that view, and independently of the decisive effects of the war which ensued, Sir Eyre Coote conceived that years must pass before the country could be restored to its former prosperity and production. It was that state of revenue, (namely, the actual state before the war,) which the directors have opposed to lord Macartney's speculation. They refused to take the revenues for more than £800,000. In this they are justified by lord Macartney himself, who, in a subsequent letter, informs the court, that his sketch is a matter of speculation; it supposes the country restored to its ancient prosperity, and the revenue to be in a course of effective and honest collection. If therefore the ministers have gone wrong, they were not deceived by lord Macartney: they were deceived by no man. The estimate of

the directors is nearly the very estimate furnished by the
honorable gentleman himself, and published to the wo
one of the printed reports of his own committee;* b
soon as he obtained his power, he chose to abandon his acc
No part of his official conduct can be defended on the gr
of his parliamentary information.

In this clashing of accounts and estimates, ought no
ministry, if they wished to preserve even appearances, to
waited for information of the actual result of these spe
tions, before they laid a charge, and such a charge, not
ditionally and eventually, but positively and authoritati
upon a country which they all knew, and which one of
had registered on the records of this house, to be waste
yond all example, by every oppression of an abusive go
ment, and every ravage of a desolating war. But that
may discern in what manner they use the correspondenc
office, and that thereby you may enter into the true spi
the ministerial board of control, I desire you, Mr. Spe
to remark, that through their whole controversy with
court of directors, they do not so much as hint at their
having seen any other paper from lord Macartney, or
other estimate of revenue, than this of 1781. To this
hold. Here they take post; here they entrench themselv

When I first read this curious controversy between
ministerial board and the court of directors, common ca
obliged me to attribute their tenacious adherence to
estimate of 1781, to a total ignorance of what had appe
upon the records. But the right honorable gentleman
chosen to come forward with an uncalled-for declaration
boastingly tells you, that he has seen, read, digested, comp
every thing; and that if he has sinned, he has sinned
his eyes broad open. Since then the ministers will obstin
shut the gates of mercy on themselves, let them add to
crimes what aggravations they please. They have

* Mr. Dundas's Committee, Rep. I. p. 9, and ditto, Rep. IV. 69, whe
revenue of 1777 stated only at 22 lacks—30 lacks stated as the revenue,
posing the Carnatic to be *properly* managed."

(since it must be so) wilfully and corruptly suppressed the information which they ought to have produced; and for the support of peculation, have made themselves guilty of spoliation and suppression of evidence.* The paper I hold in my hand, which totally overturns (for the present at least) the estimate of 1781, they have no more taken notice of in their controversy with the court of directors, than if it had no existence. It is the report made by a committee appointed at Madras, to manage the whole of the six countries assigned to the company by the nabob of Arcot. This committee was wisely instituted by lord Macartney, to remove from himself the suspicion of all improper management in so invidious a trust; and it seems to have been well chosen. This committee has made a comparative estimate of the only six districts which were in a condition to be let to farm. In one set of columns they state the gross and net produce of the districts as let by the nabob. To that statement they oppose the terms on which the same districts were rented for five years, under their authority. Under the nabob, the gross farm was so high as £570,000 sterling. What was the clear produce? Why, no more than about £250,000 and this was the whole profit of the nabob's treasury, under his own management, of all the districts which were in a condition to be let to farm on the 27th of May, 1782. Lord Macartney's leases stipulated a gross produce of no more than about £530,000, but then the estimated net amount was nearly double the nabob's. It however did not then exceed £480,000; and lord Macartney's commissioners take credit for an annual revenue amounting to this clear sum. Here is no speculation; here is no inaccurate account clandestinely obtained from those who might wish, and were enabled to deceive. It is the authorized recorded state of a real recent transaction. Here is not twelve hundred thousand pounds, not eight hundred. The whole revenue of the Carnatic yielded no more in May, 1782, than

* See Appendix, No. 4, Statement in the Report of the Committee of assigned Revenue.

four hundred and eighty thousand pounds; nearly the very precise sum which your minister, who is so careful of the public security, has carried from all descriptions of establishment to form a fund for the private emolument of his creatures.

In this estimate, we see, as I have just observed, the nabob's farms rated so high as £570,000. Hitherto all is well; but follow on to the effective net revenue: there the illusion vanishes; and you will not find nearly so much as half the produce. It is with reason, therefore, lord Macartney, invariably throughout the whole correspondence, qualifies all his views and expectations of revenue, and all his plans for its application, with this indispensable condition, that the management is not in the hands of the nabob of Arcot. Should that fatal measure take place, he has over and over again told you, that he has no prospect of realizing any thing whatsoever for any public purpose. With these weighty declarations, confirmed by such a state of indisputable fact before them; what has been done by the chancellor of the exchequer and his accomplices? Shall I be believed? They have delivered over those very territories, on the keeping of which in the hands of the committee, the defence of our dominions, and what was more dear to them, possibly, their own job depended; they have delivered back again without condition, without arrangement, without stipulation of any sort for the natives of any rank, the whole of those vast countries, to many of which he had no just claim, into the ruinous mismanagement of the nabob of Arcot. To crown all, according to their miserable practice whenever they do any thing transcendently absurd, they preface this their abdication of their trust, by a solemn declaration that they were not obliged to it by any principle of policy, or any demand of justice whatsoever.

I have stated to you the estimated produce of the territories of the Carnatic, in a condition to be farmed in 1782, according to the different managements into which they might fall; and this estimate the ministers have thought proper to suppress. Since that, two other accounts have been received. The first informs us, that there has been a

recovery of what is called arrear, as well as of an improvement of the revenue of one of the six provinces which were let in 1782.* It was brought about by making a new war. After some sharp actions, by the resolution and skill of colonel Fullarton, several of the petty princes of the most southerly of the unwasted provinces were compelled to pay very heavy rents and tributes, who for a long time before had not paid any acknowledgment. After this reduction, by the care of Mr. Irwin, one of the committee, that province was divided into twelve farms. This operation raised the income of that particular province; the others remain as they were first farmed. So that instead of producing only their original rent of £480,000 they netted in about two years and a quarter, £1,320,000 sterling, which would be about £660,000 a year, if the recovered arrear was not included. What deduction is to be made on account of that arrear I cannot determine, but certainly what would reduce the annual income considerably below the rate I have allowed.

The second account received, is the letting of the wasted provinces of the Carnatic. This I understand is at a growing rent, which may or may not realize what it promises; but if it should answer, it will raise the whole, at some future time, to £1,200,000.

You must here remark, Mr. Speaker, that this revenue is the produce of *all* the nabob's dominions. During the assignment, the nabob paid nothing, because the company had all. Supposing the whole of the lately assigned territory to yield up to the most sanguine expectations of the right honorable gentleman; and suppose £1,200,000 to be annually realized, (of which we actually know of no more than the realizing of six hundred thousand) out of this you must deduct the subsidy and rent which the nabob paid before the assignment, namely, £340,000 a year. This reduces back the revenue applicable to the new distribution made by his majesty's ministers, to about £800,000. Of that sum five eighths are by them sur-

* The province of Tinnevelly.

rendered to the debts. The remaining three are the only fund left for all the purposes so magnificently displayed in the letter of the board of control; that is for a new-cast peace establishment; a new fund for ordnance and fortifications; and a large allowance for what they call "the splendor of the Durbar."

You have heard the account of these territories as they stood in 1782. You have seen the *actual* receipt since the assignment in 1781, of which I reckon about two years and a quarter productive. I have stated to you the expectation from the wasted part. For realizing all this you may value yourselves on the vigor and diligence of a governor and committee that have done so much. If these hopes from the committee are rational—remember that the committee is no more. Your ministers, who have formed their fund for these debts on the presumed effect of the committee's management, have put a complete end to that committee. Their acts are rescinded; their leases are broken; their renters are dispersed. Your ministers knew when they signed the death warrant of the Carnatic, that the nabob would not only turn all these unfortunate farmers of revenue out of employment, but that he has denounced his severest vengeance against them, for acting under British authority. With a knowledge of this disposition, a British chancellor of the exchequer, and treasurer of the navy, incited by no public advantage, impelled by no public necessity, in a strain of the most wanton perfidy which has ever stained the annals of mankind, have delivered over to plunder, imprisonment, exile, and death itself, according to the mercy of such execrable tyrants as Amir ul Omra and Paul Benfield, the unhappy and deluded souls, who, untaught by uniform example, were still weak enough to put their trust in English faith.* They have gone farther; they have thought proper to mock and outrage their misery by ordering them protection and compensation. From what power is this protection to be derived? And from what fund is this

* Appendix, No. 5.

compensation to arise? The revenues are delivered over to their oppressor; the territorial jurisdiction, from whence that revenue is to arise, and under which they live, is surrendered to the same iron hands: and that they shall be deprived of all refuge, and all hope, the minister has made a solemn, voluntary declaration, that he never will interfere with the nabob's internal government.*

The last thing considered by the board of control among the debts of the Carnatic, was that arising to the East India Company, which after the provision for the cavalry, and the consolidation of 1777, was to divide the residue of the fund of £480,000 a year with the lenders of 1767. This debt, the worthy chairman, who sits opposite to me, contends to be three millions sterling. Lord Macartney's account of 1781, states it to be at that period, £1,200,000. The first account of the court of directors makes it £900,000. This, like the private debt, being without any solid existence, is incapable of any distinct limits. Whatever its amount or its validity may be, one thing is clear; it is of the nature and quality of a public debt. In that light nothing is provided for it, but an eventual surplus to be divided with one class of the private demands, after satisfying the two first classes. Never was a more shameful postponing a public demand, which by the reason of the thing, and the uniform practice of all nations, supersedes every private claim.

Those who gave this preference to private claims, consider the company's as a lawful demand; else, why did they pretend to provide for it? On their own principles they are condemned?

But I, sir, who profess to speak to your understanding and to your conscience, and to brush away even from this business all false colors, all false appellations, as well as false facts, do positively deny that the Carnatic owes a shilling to the company; whatever the company may be indebted to that undone country. It owes nothing to the company for this plain and simple reason—the territory charged with the debt is their

* See extract of their letter in the Appendix, No. 9.

from the nabob of Arcot and rajah of Tanjore, and at one stroke expunged them all, as utterly irrevocable; he might have added as utterly unfounded.

On these grounds I do not blame the arrangement this day in question, as a preference given to the debt of individuals over the company's debt. In my eye it is no more than the preference of a fiction over a chimera; but I blame the preference given to those fictitious private debts over the standing defence and the standing government. It is there the public is robbed. It is robbed in its army; it is robbed in its civil administration; it is robbed in its credit; it is robbed in its investment which forms the commercial connection between that country and Europe. There is the robbery.

But my principal objection lies a good deal deeper. That debt to the company is the pretext under which all the other debts lurk and cover themselves. That debt forms the foul putrid mucus, in which are engendered the whole brood of creeping ascarides, all the endless involutions, the eternal knot, added to a knot of those inexpugnable tape-worms which devour the nutriment, and eat up the bowels of India.* It is necessary, sir, you should recollect two things: first, that the nabob's debt to the company carries no interest. In the next place you will observe, that whenever the company has occasion to borrow, she has always commanded whatever she though fit at eight *per cent.* Carrying in your mind these two facts, attend to the process with regard to the public and private debt, and with what little appearance of decency they play into each other's hands a game of utter perdition to the unhappy natives of India. The nabob falls into an arrear to the company. The presidency presses for payment. The nabob's answer is, I have no money. Good. But there are soucars who will supply you on the mortgage of your territories. Then steps forward some Paul Benfield, and from his grateful compassion to the nabob, and his filial regard to the

* Proceedings at Madras, 11th February, 1769, and throughout the correspondence on this subject; particularly Consultations, October 4th, 1769, and the Creditors' Memorial, 20th January, 1770.

is is what a wise and virtuous ministry would have done
aid. This, therefore, is what our minister could never
k of saying or doing. A ministry of another kind would
e first improved the country, and have thus laid a solid
ndation for future opulence and future force. But on this
point of the restoration of the country, there is not one
iable to be found in the correspondence of our ministers,
n the first to the last: they felt nothing for a land desolated
fire, sword, and famine; their sympathies took another
ection; they were touched with pity for bribery, so long
nted with a fruitless itching of its palms; their bowels
arned for usury, that had long missed the harvest of its
urning months;* they felt for peculation which had been
so many years raking in the dust of an empty treasury;
were melted into compassion for rapine and oppression,
ung their dry, parched, unbloody jaws. These were the
cts of their solicitude. These were the necessities for
ich they were studious to provide.

To state the country and its revenues in their real condition, and to provide for those fictitious claims, consistently with the support of an army and a civil establishment, would have been impossible; therefore the ministers are silent on that head, and rest themselves on the authority of lord Macartney, who, in a letter to the court of directors, written in the year 1781, speculating on what might be the result of a wise management of the countries assigned by the nabob of Arcot, rates the revenue as in time of peace, at twelve hundred thousand pounds a year, as he does those of the king of Tanjore (which had not been assigned) at four hundred and fifty. On this lord Macartney grounds his calculations, and on this they choose to ground theirs. It was on this calculation that the ministry, in direct opposition to the remonstrances of the court of directors, have compelled that miserable, enslaved body, to put their hands to an order for appropriating the enormous sum of £480,000 annually, as a fund for paying to their rebel-

* Interest is rated in India by the month.

lious servants a debt contracted in defiance of their clearest and most positive injunctions.

The authority and information of lord Macartney is held high on this occasion, though it is totally rejected in every other particular of this business. I believe I have the honor of being almost as old an acquaintance as any lord Macartney has. A constant and unbroken friendship has subsisted between us, from a very early period; and, I trust, he thinks, that as I respect his character, and in general admire his conduct, I am one of those who feel no common interest in his reputation. Yet I do not hesitate wholly to disallow the calculation of 1781, without any apprehension that I shall appear to distrust his veracity or his judgment. This peace estimate of revenue was not grounded on the state of the Carnatic as it then, or as it had recently, stood. It was a statement of former and better times. There is no doubt that a period did exist, when the large portion of the Carnatic held by the nabob of Arcot might be fairly reputed to produce a revenue to that, or to a greater amount. But the whole had so melted away by the slow and silent hostility of oppression and mismanagement, that the revenues, sinking with the prosperity of the country, had fallen to about £800,000 a year, even before an enemy's horse had imprinted his hoof on the soil of the Carnatic. From that view, and independently of the decisive effects of the war which ensued, Sir Eyre Coote conceived that years must pass before the country could be restored to its former prosperity and production. It was that state of revenue, (namely, the actual state before the war,) which the directors have opposed to lord Macartney's speculation. They refused to take the revenues for more than £800,000. In this they are justified by lord Macartney himself, who, in a subsequent letter, informs the court, that his sketch is a matter of speculation; it supposes the country restored to its ancient prosperity, and the revenue to be in a course of effective and honest collection. If therefore the ministers have gone wrong, they were not deceived by lord Macartney: they were deceived by no man. The estimate of

the directors is nearly the very estimate furnished by the right honorable gentleman himself, and published to the world in one of the printed reports of his own committee;* but as soon as he obtained his power, he chose to abandon his account. No part of his official conduct can be defended on the ground of his parliamentary information.

In this clashing of accounts and estimates, ought not the ministry, if they wished to preserve even appearances, to have waited for information of the actual result of these speculations, before they laid a charge, and such a charge, not conditionally and eventually, but positively and authoritatively, upon a country which they all knew, and which one of them had registered on the records of this house, to be wasted beyond all example, by every oppression of an abusive government, and every ravage of a desolating war. But that you may discern in what manner they use the correspondence of office, and that thereby you may enter into the true spirit of the ministerial board of control, I desire you, Mr. Speaker, to remark, that through their whole controversy with the court of directors, they do not so much as hint at their ever having seen any other paper from lord Macartney, or any other estimate of revenue, than this of 1781. To this they hold. Here they take post; here they entrench themselves.

When I first read this curious controversy between the ministerial board and the court of directors, common candor obliged me to attribute their tenacious adherence to the estimate of 1781, to a total ignorance of what had appeared upon the records. But the right honorable gentleman has chosen to come forward with an uncalled-for declaration; he boastingly tells you, that he has seen, read, digested, compared every thing; and that if he has sinned, he has sinned with his eyes broad open. Since then the ministers will obstinately shut the gates of mercy on themselves, let them add to their crimes what aggravations they please. They have then

* Mr. Dundas's Committee, Rep. I. p. 9, and ditto, Rep. IV. 69, where the revenue of 1777 stated only at 22 lacks—30 lacks stated as the revenue, "*supposing* the Carnatic to be *properly* managed."

(since it must be so) wilfully and corruptly suppressed the information which they ought to have produced; and for the support of peculation, have made themselves guilty of spoliation and suppression of evidence.* The paper I hold in my hand, which totally overturns (for the present at least) the estimate of 1781, they have no more taken notice of in their controversy with the court of directors, than if it had no existence. It is the report made by a committee appointed at Madras, to manage the whole of the six countries assigned to the company by the nabob of Arcot. This committee was wisely instituted by lord Macartney, to remove from himself the suspicion of all improper management in so invidious a trust; and it seems to have been well chosen. This committee has made a comparative estimate of the only six districts which were in a condition to be let to farm. In one set of columns they state the gross and net produce of the districts as let by the nabob. To that statement they oppose the terms on which the same districts were rented for five years, under their authority. Under the nabob, the gross farm was so high as £570,000 sterling. What was the clear produce? Why, no more than about £250,000 and this was the whole profit of the nabob's treasury, under his own management, of all the districts which were in a condition to be let to farm on the 27th of May, 1782. Lord Macartney's leases stipulated a gross produce of no more than about £530,000, but then the estimated net amount was nearly double the nabob's. It however did not then exceed £480,000; and lord Macartney's commissioners take credit for an annual revenue amounting to this clear sum. Here is no speculation; here is no inaccurate account clandestinely obtained from those who might wish, and were enabled to deceive. It is the authorized recorded state of a real recent transaction. Here is not twelve hundred thousand pounds, not eight hundred. The whole revenue of the Carnatic yielded no more in May, 1782, than

* See Appendix, No. 4, Statement in the Report of the Committee of assigned Revenue.

four hundred and eighty thousand pounds; nearly the very precise sum which your minister, who is so careful of the public security, has carried from all descriptions of establishment to form a fund for the private emolument of his creatures.

In this estimate, we see, as I have just observed, the nabob's farms rated so high as £570,000. Hitherto all is well; but follow on to the effective net revenue: there the illusion vanishes; and you will not find nearly so much as half the produce. It is with reason, therefore, lord Macartney, invariably throughout the whole correspondence, qualifies all his views and expectations of revenue, and all his plans for its application, with this indispensable condition, that the management is not in the hands of the nabob of Arcot. Should that fatal measure take place, he has over and over again told you, that he has no prospect of realizing any thing whatsoever for any public purpose. With these weighty declarations, confirmed by such a state of indisputable fact before them; what has been done by the chancellor of the exchequer and his accomplices? Shall I be believed? They have delivered over those very territories, on the keeping of which in the hands of the committee, the defence of our dominions, and what was more dear to them, possibly, their own job depended; they have delivered back again without condition, without arrangement, without stipulation of any sort for the natives of any rank, the whole of those vast countries, to many of which he had no just claim, into the ruinous mismanagement of the nabob of Arcot. To crown all, according to their miserable practice whenever they do any thing transcendently absurd, they preface this their abdication of their trust, by a solemn declaration that they were not obliged to it by any principle of policy, or any demand of justice whatsoever.

I have stated to you the estimated produce of the territories of the Carnatic, in a condition to be farmed in 1782, according to the different managements into which they might fall; and this estimate the ministers have thought proper to suppress. Since that, two other accounts have been received. The first informs us, that there has been a

recovery of what is called arrear, as well as of an improvement of the revenue of one of the six provinces which were let in 1782.* It was brought about by making a new war. After some sharp actions, by the resolution and skill of colonel Fullarton, several of the petty princes of the most southerly of the unwasted provinces were compelled to pay very heavy rents and tributes, who for a long time before had not paid any acknowledgment. After this reduction, by the care of Mr. Irwin, one of the committee, that province was divided into twelve farms. This operation raised the income of that particular province; the others remain as they were first farmed. So that instead of producing only their original rent of £480,000 they netted in about two years and a quarter, £1,320,000 sterling, which would be about £660,000 a year, if the recovered arrear was not included. What deduction is to be made on account of that arrear I cannot determine, but certainly what would reduce the annual income considerably below the rate I have allowed.

The second account received, is the letting of the wasted provinces of the Carnatic. This I understand is at a growing rent, which may or may not realize what it promises; but if it should answer, it will raise the whole, at some future time, to £1,200,000.

You must here remark, Mr. Speaker, that this revenue is the produce of *all* the nabob's dominions. During the assignment, the nabob paid nothing, because the company had all. Supposing the whole of the lately assigned territory to yield up to the most sanguine expectations of the right honorable gentleman; and suppose £1,200,000 to be annually realized, (of which we actually know of no more than the realizing of six hundred thousand) out of this you must deduct the subsidy and rent which the nabob paid before the assignment, namely, £340,000 a year. This reduces back the revenue applicable to the new distribution made by his majesty's ministers, to about £800,000. Of that sum five eighths are by them sur-

* The province of Tinnevelly.

rendered to the debts. The remaining three are the only fund left for all the purposes so magnificently displayed in the letter of the board of control; that is for a new-cast peace establishment; a new fund for ordnance and fortifications; and a large allowance for what they call "the splendor of the Durbar."

You have heard the account of these territories as they stood in 1782. You have seen the *actual* receipt since the assignment in 1781, of which I reckon about two years and a quarter productive. I have stated to you the expectation from the wasted part. For realizing all this you may value yourselves on the vigor and diligence of a governor and committee that have done so much. If these hopes from the committee are rational—remember that the committee is no more. Your ministers, who have formed their fund for these debts on the presumed effect of the committee's management, have put a complete end to that committee. Their acts are rescinded; their leases are broken; their renters are dispersed. Your ministers knew when they signed the death warrant of the Carnatic, that the nabob would not only turn all these unfortunate farmers of revenue out of employment, but that he has denounced his severest vengeance against them, for acting under British authority. With a knowledge of this disposition, a British chancellor of the exchequer, and treasurer of the navy, incited by no public advantage, impelled by no public necessity, in a strain of the most wanton perfidy which has ever stained the annals of mankind, have delivered over to plunder, imprisonment, exile, and death itself, according to the mercy of such execrable tyrants as Amir ul Omra and Paul Benfield, the unhappy and deluded souls, who, untaught by uniform example, were still weak enough to put their trust in English faith.* They have gone farther; they have thought proper to mock and outrage their misery by ordering them protection and compensation. From what power is this protection to be derived? And from what fund is this

* Appendix, No. 5.

compensation to arise? The revenues are delivered over to their oppressor; the territorial jurisdiction, from whence that revenue is to arise, and under which they live, is surrendered to the same iron hands: and that they shall be deprived of all refuge, and all hope, the minister has made a solemn, voluntary declaration, that he never will interfere with the nabob's internal government.*

The last thing considered by the board of control among the debts of the Carnatic, was that arising to the East India Company, which after the provision for the cavalry, and the consolidation of 1777, was to divide the residue of the fund of £480,000 a year with the lenders of 1767. This debt, the worthy chairman, who sits opposite to me, contends to be three millions sterling. Lord Macartney's account of 1781, states it to be at that period, £1,200,000. The first account of the court of directors makes it £900,000. This, like the private debt, being without any solid existence, is incapable of any distinct limits. Whatever its amount or its validity may be, one thing is clear; it is of the nature and quality of a public debt. In that light nothing is provided for it, but an eventual surplus to be divided with one class of the private demands, after satisfying the two first classes. Never was a more shameful postponing a public demand, which by the reason of the thing, and the uniform practice of all nations, supersedes every private claim.

Those who gave this preference to private claims, consider the company's as a lawful demand; else, why did they pretend to provide for it? On their own principles they are condemned?

But I, sir, who profess to speak to your understanding and to your conscience, and to brush away even from this business all false colors, all false appellations, as well as false facts, do positively deny that the Carnatic owes a shilling to the company; whatever the company may be indebted to that undone country. It owes nothing to the company for this plain and simple reason—the territory charged with the debt is their

* See extract of their letter in the Appendix, No. 9.

own. To say that their revenues fall short, and owe them money, is to say they are in debt to themselves, which is only talking nonsense. The fact is, that by the invasion of an enemy, and the ruin of the country, the company, either in its own name, or in the names of the nabob of Arcot and rajah of Tanjore, has lost for several years what it might have looked to receive from its own estate. If men were allowed to credit themselves, upon such principles, any one might soon grow rich by this mode of accounting. A flood comes down upon a man's estate in the Bedford Level of a thousand pounds a year, and drowns his rents for ten years. The chancellor would put that man into the hands of a trustee, who would gravely make up his books, and for this loss credit himself in his account for a debt due to him of £10,000. It is, however, on this principle the company makes up its demands on the Carnatic. In peace they go the full length, and indeed more than the full length, of what the people can bear for current establishments; then they are absurd enough to consolidate all the calamities of war into debts; to metamorphose the devastations of the country into demands upon its future production. What is this but to avow a resolution utterly to destroy their own country, and to force the people to pay for their sufferings, to a government which has proved unable to protect either the share of the husbandman or their own? In every lease of a farm, the invasion of an enemy, instead of forming a demand for arrear, is a release of rent; nor for that release is it at all necessary to show, that the invasion has left nothing to the occupier of the soil; though in the present case it would be too easy to prove that melancholy fact.* I therefore applauded my right honorable friend, who, when he canvassed the company's accounts, as a preliminary to a bill that ought not to stand on falsehood of any kind, fixed his discerning eye, and his deciding hand, on these debts of the company,

* "It is certain that the incursion of a *few* of Hyder's Horse into the Jaghire, in 1767, cost the company upwards of pagodas 27,000 in *allowances for damages*." Consultations, February 11th, 1771.

from the nabob of Arcot and rajah of Tanjore, and at one stroke expunged them all, as utterly irrevocable; he might have added as utterly unfounded.

On these grounds I do not blame the arrangement this day in question, as a preference given to the debt of individuals over the company's debt. In my eye it is no more than the preference of a fiction over a chimera; but I blame the preference given to those fictitious private debts over the standing defence and the standing government. It is there the public is robbed. It is robbed in its army; it is robbed in its civil administration; it is robbed in its credit; it is robbed in its investment which forms the commercial connection between that country and Europe. There is the robbery.

But my principal objection lies a good deal deeper. That debt to the company is the pretext under which all the other debts lurk and cover themselves. That debt forms the foul putrid mucus, in which are engendered the whole brood of creeping ascarides, all the endless involutions, the eternal knot, added to a knot of those inexpugnable tape-worms which devour the nutriment, and eat up the bowels of India.* It is necessary, sir, you should recollect two things: first, that the nabob's debt to the company carries no interest. In the next place you will observe, that whenever the company has occasion to borrow, she has always commanded whatever she though fit at eight *per cent.* Carrying in your mind these two facts, attend to the process with regard to the public and private debt, and with what little appearance of decency they play into each other's hands a game of utter perdition to the unhappy natives of India. The nabob falls into an arrear to the company. The presidency presses for payment. The nabob's answer is, I have no money. Good. But there are soucars who will supply you on the mortgage of your territories. Then steps forward some Paul Benfield, and from his grateful compassion to the nabob, and his filial regard to the

* Proceedings at Madras, 11th February, 1769, and throughout the correspondence on this subject; particularly Consultations, October 4th, 1769, and the Creditors' Memorial, 20th January, 1770.

company, he unlocks the treasures of his virtuous industry; and for a consideration of twenty-four or thirty-six *per cent.* on a mortgage of the territorial revenue, becomes security to the company for the nabob's arrear.

All this intermediate usury thus becomes sanctified by the ultimate view to the company's payment. In this case, would not a plain man ask this plain question of the company: if you know that the nabob must annually mortgage his territories to your servants to pay his annual arrear to you, why is not the assignment or mortgage made directly to the company itself? By this simple obvious operation, the company would be relieved and the debt paid, without the charge of a shilling interest to that prince. But if that course should be thought too indulgent, why do they not take that assignment with such interest to themselves as they pay to others, that is, eight *per cent.*? Or if it were thought more advisable (why it should I know not) that he must borrow, why do not the company lend their own credit to the nabob for their own payment? That credit would not be weakened by the collateral security of his territorial mortgage. The money might still be had at eight *per cent.* Instead of any of these honest and obvious methods, the company has for years kept up a shew of disinterestedness and moderation, by suffering a debt to accumulate to them from the country powers without any interest at all; and at the same time have seen before their eyes, on a pretext of borrowing to pay that debt, the revenues of the country charged with an usury of twenty, twenty-four, thirty-six, and even eight-and-forty *per cent.* with compound interest,* for the benefit of their servants. All this time they know, that by having a debt subsisting without any interest, which is to be paid by contracting a debt on the highest interest, they manifestly render it necessary to the nabob of Arcot to give the private demand a preference to the public; and by binding him and their servants together in a common cause, they enable him to form a party

* Appendix No. 7.

to the utter ruin of their own authority, and their own affairs. Thus their false moderation, and their affected purity, by the natural operation of every thing false, and every thing affected, becomes pander and bawd to the unbridled debauchery and licentious lewdness of usury and extortion.

In consequence of this double game, all the territorial revenues have, at one time or other, been covered by those locusts, the English soucars. Not one single foot of the Carnatic has escaped them; a territory as large as England. During these operations what a scene has that country presented!* The usurious European assignee supersedes the nabob's native farmer of the revenue; the farmer flies to the nabob's presence to claim his bargain; whilst his servants murmur for wages, and his soldiers mutiny for pay. The mortgage to the European assignee is then resumed, and the native farmer replaced; replaced, again to be removed on the new clamor of the European assignee.† Every man of rank and landed fortune being long since extinguished, the remaining miserable last cultivator, who grows to the soil, after having his back scored by the farmer, has it again flayed by the whip of the assignee, and is thus by a ravenous, because a short-lived succession of claimants, lashed from oppressor to oppressor, whilst a single drop of blood is left as the means of extorting a single grain of corn. Do not think I paint. Far, very far from it; I do not reach the fact, nor approach to it. Men of respectable condition, men

* For some part of these usurious transactions, see Consultation 28th January, 1781; and for the nabob's excusing his oppressions on account of these debts, Consultation 26th November, 1770. "Still I undertook, first, the payment of the money belonging to the company, who are my kind friends, and by borrowing, and *mortgaging my jewels*, &c. by *taking from every one of my servants*, in proportion to their circumstances, by *fresh severities* also on my country, *notwithstanding its distressed state*, as you know." The Board's remark is as follows; after controverting some of the facts, they say, "That his countries are oppressed is most certain, but not from real necessity; *his debts have indeed afforded him a constant pretence* for using severities and cruel oppressions."

† See Consultation 28th January, 1781, where it is asserted, and not denied, that the nabob's farmers of revenue seldom continue for three months together. From this the state of the country may be easily judged of.

equal to your substantial English yeomen, are daily tied up and scourged to answer the multiplied demands of various contending and contradictory titles, all issuing from one and the same source. Tyrannous exaction brings on servile concealment; and that again calls forth tyrannous coercion. They move in a circle, mutually producing and produced; till at length nothing of humanity is left in the government, no trace of integrity, spirit, or manliness in the people, who drag out a precarious and degraded existence under this system of outrage upon human nature. Such is the effect of the establishment of a debt to the company, as it has hitherto been managed, and as it ever will remain, until ideas are adopted totally different from those which prevail at this time.

Your worthy ministers, supporting what they are obliged to condemn, have thought fit to renew the company's old order against contracting private debts in future. They begin by rewarding the violation of the ancient law; and then they gravely reënact provisions, of which they have given bounties for the breach. This inconsistency has been well exposed.* But what will you say to their having gone the length of giving positive directions for contracting the debt which they positively forbid?

I will explain myself. They order the nabob, out of the revenues of the Carnatic, to allot four hundred and eighty thousand pounds a year, as a fund for the debts before us. For the punctual payment of this annuity, they order him to give *soucar* security.† When a *soucar*, that is a money dealer, becomes security for any native prince, the course is, for the native prince to counter-secure the money dealer, by making over to him in mortgage a portion of his territory, equal to the sum annually to be paid, with an interest of at least twenty-four *per cent.* The point fit for the house to know is, who are these soucars, to whom this security on the revenues in favor of the nabob's creditors is

* In Mr. Fox's speech.

† The amended Letter, Appendix, No. 9.

to be given? The majority of the house, unaccustomed to these transactions, will hear with astonishment that these soucars are no other than the creditors themselves. The minister, not content with authorizing these transactions in a manner and to an extent unhoped for by the rapacious expectations of usury itself, loads the broken back of the Indian revenues, in favor of his worthy friends the soucars, with an additional twenty-four *per cent.* for being security to themselves for their own claims; for condescending to take the country in mortgage, to pay to themselves the fruits of their own extortions.

The interest to be paid for this security, according to the most moderate strain of soucar demand, comes to one hundred and eighteen thousand pounds a year, which added to the £480,000 on which it is to accrue, will make the whole charge on account of these debts on the Carnatic revenues amount to £598,000 a year as much as even a long peace will enable those revenues to produce. Can any one reflect for a moment on all those claims of debt, which the minister exhausts himself in contrivances to augment with new usuries, without lifting up his hands and eyes in astonishment of the impudence, both of the claim and of the adjudication? Services of some kind or other these servants of the company must have done, so great and eminent, that the chancellor of the exchequer cannot think that all they have brought home is half enough. He halloos after them, "Gentlemen, you have forgot a large packet behind you, in your hurry; you have not sufficiently recovered yourselves; you ought to have, and you shall have, interest upon interest, upon a prohibited debt that is made up of interest upon interest. Even this is too little. I have thought of another character for you, by which you may add something to your gains; you shall be security to yourselves; and hence will arise a new usury, which shall efface the memory of all the usuries suggested to you by your own dull inventions."

I have done with the arrangement relative to the Carnatic. After this it is to little purpose to observe on what the ministers

have done to Tanjore. Your ministers have not observed even form and ceremony in their outrageous and insulting robbery of that country, whose only crime has been, its early and constant adherence to the power of this, and the suffering of an uniform pillage in consequence of it. The debt of the company from the rajah of Tanjore, is just of the same stuff with that of the nabob of Arcot.

The subsidy from Tanjore, on the arrear of which this pretended debt (if any there be) has accrued to the company, is not, like that paid by the nabob of Arcot, a compensation for vast countries obtained, augmented, and preserved for him; not the price of pillaged treasuries, ransacked houses, and plundered territories.—It is a large grant, from a small kingdom not obtained by our arms; robbed, not protected, by our power; a grant for which no equivalent was ever given, or pretended to be given. The right honorable gentleman, however, bears witness in his reports to the punctuality of the payments of this grant of bounty, or, if you please, of fear. It amounts to one hundred and sixty thousand pounds sterling net annual subsidy. He bears witness to a further grant of a town and port, with an annexed district of thirty thousand pounds a year, surrendered to the company since the first donation. He has not borne witness, but the fact is, (he will not deny it) that in the midst of war, and during the ruin and desolation of a considerable part of his territories, this prince made many very large payments. Notwithstanding these merits and services, the first regulation of ministry is to force from him a territory of an extent which they have not yet thought proper to ascertain,* for a military peace establishment, the particulars of which they have not yet been pleased to settle.

The next part of their arrangement is with regard to war. As confessedly this prince had no share in stirring up any of the former wars, so all future wars are completely out of his power; for he has no troops whatever, and is under a stipula-

* Appendix, No. 8.

tion not so much as to correspond with any foreign state, except through the company. Yet, in case the company's servants should be again involved in war, or should think proper again to provoke any enemy, as in times past they have wantonly provoked all India, he is to be subjected to a new penalty. To what penalty?—Why, to no less than the confiscation of all his revenues. But this is to end with the war, and they are to be faithfully returned?—Oh! no; nothing like it. The country is to remain under confiscation until all the debt which the company shall think fit to incur in such war shall he discharged; that is to say, for ever. His sole comfort is to find his old enemy, the nabob of Arcot, placed in the very same condition.

The revenues of that miserable country were, before the invasion of Hyder, reduced to a *gross* annual receipt of three hundred and sixty thousand pounds.* From this receipt the subsidy I have just stated is taken. This again by payments in advance, by extorting deposits of additional sums to a vast amount for the benefit of their soucars, and by an endless variety of other extortions, public and private, is loaded with a debt, the amount of which I never could ascertain, but which is large undoubtedly, generating an usury the most completely ruinous that probably was ever heard of; *that is, forty-eight per cent. payable monthly, with compound interest.*†

Such is the state to which the company's servants have reduced that country. Now come the reformers, restorers, and comforters of India. What have they done? In addition to all these tyrannous exactions with all these ruinous debts in their train, looking to one side of an agreement whilst they wilfully shut their eyes to the other, they withdraw from Tanjore all the benefits of the treaty of 1762, and they subject that nation to a perpetual tribute of forty thousand a year to the nabob of Arcot; a tribute never due, or pretended to be

* Mr. Petrie's evidence before the select committee, App. No. 7.

† Appendix, No. 7.

due to *him*, even when he appeared to be something; a tribute, as things now stand, not to a real potentate, but to a shadow, a dream, an incubus of oppression. After the company has accepted in subsidy, in grant of territory, in remission of rent, as a compensation for their own protection, at least two hundred thousand pounds a year, without discounting a shilling for that receipt, the ministers condemn this harassed nation to be tributary to a person who is himself, by their own arrangement, deprived of the right of war or peace; deprived of the power of the sword; forbid to keep up a single regiment of soldiers; and is therefore wholly disabled from all protection of the country which is the object of the pretended tribute. Tribute hangs on the sword. It is an incident inseparable from real sovereign power. In the present case to suppose its existence, is as absurd as it is cruel and oppressive. And here, Mr. Speaker, you have a clear exemplification of the use of those false names, and false colors, which the gentlemen who have lately taken possession of India choose to lay on for the purpose of disguising their plan of oppression. The nabob of Arcot, and rajah of Tanjore, have, in truth and substance, no more than a merely civil authority, held in the most entire dependence on the company. The nabob, without military, without federal capacity, is extinguished as a potentate; but then he is carefully kept alive as an independent and sovereign power, for the purpose of rapine and extortion; for the purpose of perpetuating the old intrigues, animosities, usuries, and corruptions.

It was not enough that this mockery of tribute was to be continued without the correspondent protection, or any of the stipulated equivalents, but ten years of arrear, to the amount of £400,000 sterling, is added to all the debts to the company, and to individuals, in order to create a new debt, to be paid (if at all possible to be paid in whole or in part) only by new usuries; and all this for the nabob of Arcot, or rather for Mr. Benfield, and the corps of the nabob's creditors and their soucars. Thus these miserable Indian princes are continued in their seats, for no other purpose than to

render them in the first instance objects of every species of extortion; and in the second, to force them to become, for the sake of a momentary shadow of reduced authority, a sort of subordinate tyrants, the ruin and calamity, not the fathers and cherishers of their people.

But take this tribute only as a mere charge (without title, cause, or equivalent,) on this people; what one step has been taken to furnish grounds for a just calculation and estimate of the proportion of the burthen and the ability? None; not an attempt at it. They do not adapt the burthen to the strength; but they estimate the strength of the bearers by the burthen they impose. Then what care is taken to leave a fund sufficient to the future reproduction of the revenues that are to bear all these loads? Every one, but tolerably conversant in Indian affairs, must know that the existence of this little kingdom depends on its control over the river Cavery. The benefits of heaven to any community, ought never to be connected with political arrangements, or made to depend on the personal conduct of princes; in which the mistake, or error, or neglect, or distress, or passion of a moment on either side, may bring famine on millions, and ruin an innocent nation perhaps for ages. The means of the subsistence of mankind should be as immutable as the laws of nature, let power and dominion take what course they may.—Observe what has been done with regard to this important concern. The use of this river is indeed at length given to the rajah, and a power provided for its enjoyment *at his own charge;* but the means of furnishing that charge (and a mighty one it is) are wholly cut off. This use of the water, which ought to have no more connection than clouds and rains, and sunshine, with the politics of the rajah, the nabob, or the company, is expressly contrived as a means of enforcing demands and arrears of tribute. This horrid and unnatural instrument of extortion had been a distinguishing feature in the enormities of the Carnatic politics that loudly called for reformation. But the food of a whole people is by the reformers of India conditioned on payments from its prince, at a moment that he is overpowered with a

swarm of their demands, without regard to the ability of either prince or people. In fine, by opening an avenue to the irrruption of the nabob of Arcot's creditors and soucars, whom every man who did not fall in love with oppression and corruption on an experience of the calamities they produced, would have raised wall before wall, and mound before mound, to keep from a possibility of entrance, a more destructive enemy than Hyder Ali is introduced into that kingdom. By this part of their arrangement in which they establish a debt to the nabob of Arcot, in effect and substance, they deliver over Tanjore, bound hand and foot, to Paul Benfield, the old betrayer, insulter, oppressor, and scourge of a country, which has for years been an object of an unremitted, but unhappily an unequal struggle, between the bounties of Providence to renovate, and the wickedness of mankind to destroy.

The right honorable gentleman* talks of his fairness in determining the territorial dispute between the nabob of Arcot and the prince of that country, when he superseded the determination of the directors, in whom the law had vested the decision of that controversy. He is in this just as feeble as he is in every other part. But it is not necessary to say a word in refutation of any part of his argument. The mode of the proceeding sufficiently speaks the spirit of it. It is enough to fix his character as a judge that he *never heard the directors in defence of their adjudication, nor either of the parties in support of their respective claims.* It is sufficient for me, that he takes from the rajah of Tanjore by this pretended adjudication, or rather from his unhappy subjects, £40,000 a year of his and their revenue, and leaves upon his and their shoulders all the charges that can be made on the part of the nabob, on the part of his creditors, and on the part of the company, without so much as hearing him as to right or to ability. But what principally induces me to leave the affair of the territorial dispute between the nabob and the

* Mr. Dundas.

rajah to another day, is this, that both the parties being stripped of their all, it little signifies under which of their names the unhappy undone people are delivered over to the merciless soucars, the allies of that right honorable gentleman, and the chancellor of the exchequer. In them ends the account of this long dispute of the nabob of Arcot, and the rajah of Tanjore.

The right honorable gentleman is of opinion, that his judgment in this case can be censured by none, but those who seem to act as if they were paid agents to one of the parties. What does he think of his court of directors? If they are paid by either of the parties, by which of them does he think they are paid? He knows that their decision has been directly contrary to his. Shall I believe that it does not enter into his heart to conceive, that any person can steadily and actively interest himself in the protection of the injured and oppressed, without being well paid for his service? I have taken notice of this sort of discourse some days ago, so far as it may be supposed to relate to me. I then contented myself, as I shall now do, with giving it a cold, though a very direct contradiction. Thus much I do from respect to truth. If I did more, it might be supposed, by my anxiety to clear myself, that I had imbibed the ideas, which, for obvious reasons, the right honorable gentleman wishes to have received concerning all attempts to plead the cause of the natives of India, as if it were a disreputable employment. If he had not forgot in his present occupation, every principle which ought to have guided him, and I hope did guide him, in his late profession, he would have known, that he who takes a fee for pleading the cause of distress against power, and manfully performs the duty he has assumed, receives an honorable recompense for a virtuous service. But if the right honorable gentleman will have no regard to fact in his insinuations, or to reason in his opinions, I wish him at least to consider, that if taking an earnest part with regard to the oppressions exercised in India, and with regard to this most oppressive case of Tanjore in particular, can ground a presumption of interested motives,

he is himself the most mercenary man I know. His conduct indeed is such that he is on all occasions the standing testimony against himself. He it was that first called to that case the attention of the house: the reports of his own committee are ample and affecting upon that subject;* and as many of us as have escaped his massacre, must remember the very pathetic picture he made of the sufferings of the Tanjore country, on the day when he moved the unwieldy code of his Indian resolutions. Has he not stated over and over again in his reports, the ill treatment of the rajah of Tanjore, (a branch of the royal house of the Marattas, every injury to whom the Marattas felt as offered to themselves,) as a main cause of the alienation of that people from the British power? And does he now think, that to betray his principles, to contradict his declarations, and to become himself an active instrument in those oppressions which he had so tragically lamented, is the way to clear himself of having been actuated by a pecuniary interest, at the time when he chose to appear full of tenderness to that ruined nation?

The right honorable gentleman is fond of parading on the motives of others, and on his own. As to himself, he despises the imputations of those who suppose that any thing corrupt could influence him in this his unexampled liberality of the public treasure. I do not know that I am obliged to speak to the motives of ministry, in the arrangements they have made of the pretended debts of Arcot and Tanjore. If I prove fraud and collusion with regard to public money on those right honorable gentlemen, I am not obliged to assign their motives; because no good motives can be pleaded in favor of their conduct. Upon that case I stand; we are at issue; and I desire to go to trial. This, I am sure, is not loose railing, or mean insinuation, according to their low and degenerate fashion, when they make attacks on the measures of their adversaries. It is a regular and juridical course; and, unless I choose it, nothing can compel me to go further.

* See Report IV. Committee of Secrecy, p. 73 and 74; and Appendix in sundry places.

But since these unhappy gentlemen have dared to hold a lofty tone about their motives, and affect to despise suspicion, instead of being careful not to give cause for it, I shall beg leave to lay before you some general observations on what, I conceive, was their duty in so delicate a business.

If I were worthy to suggest any line of prudence to that right honorable gentleman, I would tell him, that the way to avoid suspicion in the settlement of pecuniary transactions, in which great frauds have been very strongly presumed, is, to attend to these few plain principles:—First, to hear all parties equally, and not the managers for the suspected claimants only. Not to proceed in the dark; but to act with as much publicity as possible. Not to precipitate decision—to be religious in following the rules prescribed in the commission under which we act. And, lastly, and above all, not to be fond of straining constructions, to force a jurisdiction, and to draw to ourselves the management of a trust in its nature invidious and obnoxious to suspicion, where the plainest letter of the law does not compel it. If these few plain rules are observed, no corruption ought to be suspected; if any of them are violated, suspicion will attach in proportion. If all of them are violated, a corrupt motive of some kind or other will not only be suspected, but must be violently presumed.

The persons in whose favor all these rules have been violated, and the conduct of ministers towards them, will naturally call for your consideration, and will serve to lead you through a series and combination of facts and characters, if I do not mistake, into the very inmost recesses of this mysterious business. You will then be in possession of all the materials on which the principles of sound jurisprudence will found, or will reject the presumption of corrupt motives; or if such motives are indicated, will point out to you of what particular nature the corruption is.

Our wonderful minister, as you all know, formed a new plan, a plan *insigne recens indictum ore alio*, a plan for supporting the freedom of our constitution by court intrigues, and for removing its corruptions by Indian delinquency. To carry

that bold paradoxical design into execution, sufficient funds and apt instruments became necessary. You are perfectly sensible that a parliamentary reform occupies his thoughts day and night, as an essential member in this extraordinary project. In his anxious researches upon this subject, natural instinct, as well as sound policy, would direct his eyes, and settle his choice on Paul Benfield. Paul Benfield is the grand parliamentary reformer, the reformer to whom the whole choir of reformers bow, and to whom even the right honorable gentleman himself must yield the palm. For what region in the empire, what city, what borough, what county, what tribunal, in this kingdom, is not full of his labors? Others have been only speculators; he is the grand practical reformer; and whilst the chancellor of the exchequer pledges in vain the man and the minister, to increase the provincial members, Mr. Benfield has auspiciously and practically begun it. Leaving far behind him even lord Camelford's generous design of bestowing Old Sarum on the bank of England, Mr. Benfield has thrown in the borough of Cricklade to reinforce the county representation. Not content with this, in order to station a steady phalanx for all future reforms, this public spirited usurer, amidst his charitable toils for the relief of India, did not forget the poor rotten constitution of his native country. For her, he did not disdain to stoop to the trade of a wholesale upholsterer for this house, to furnish it, not with the faded tapestry figures of antiquated merit, such as decorate, and may reproach some other houses, but with real, solid, living patterns of true modern virtue. Paul Benfield made (reckoning himself) no fewer than eight members in the last parliament. What copious streams of pure blood must he not have transfused into the veins of the present!

But what is even more striking than the real services of this new-imported patriot, is his modesty. As soon as he had conferred this benefit on the constitution, he withdrew himself from our applause. He conceived that the duties of a member of parliament (which with the elect faithful, the true believers, the *Islam* of parliamentary reform, are of little

or no merit, perhaps not much better than specious sins,) might be as well attended to in India as in England, and the means of reformation to parliament itself, be far better provided. Mr. Benfield was therefore no sooner elected, than he set off for Madras, and defrauded the longing eyes of parliament. We have never enjoyed in this house the luxury of beholding that minion of the human race, and contemplating that visage, which has so long reflected the happiness of nations.

It was therefore not possible for the minister to consult personally with this great man. What then was he to do? Through a sagacity that never failed him in these pursuits, he found out in Mr. Benfield's representative, his exact resemblance. A specific attraction by which he gravitates towards all such characters, soon brought our minister into a close connection with Mr. Benfield's agent and attorney; that is, with the grand contractor (whom I name to honor) Mr. Richard Atkinson; a name that will be well remembered as long as the records of this house, as long as the records of the British treasury, as long as the monumental debt of England shall endure.

This gentleman, sir, acts as attorney for Mr. Paul Benfield. Every one who hears me, is well acquainted with the sacred friendship, and the steady mutual attachment that subsists between him and the present minister. As many members as chose to attend in the first session of this parliament, can best tell their own feelings at the scenes which were then acted. How much that honorable gentleman was consulted in the original frame and fabric of the bill, commonly called Mr. Pitt's India Bill, is matter only of conjecture; though by no means difficult to divine. But the public was an indignant witness of the ostentation with which that measure was made his own, and the authority with which he brought up clause after clause, to stuff and fatten the rankness of that corrupt act. As fast as the clauses were brought up to the table they were accepted. No hesitation; no discussion. They were received by the new minister, not with approba-

tion, but with implicit submission. The reformation may be estimated by seeing who was the reformer. Paul Benfield's associate and agent was held up to the world as legislator of Indostan. But it was necessary to authenticate the coalition between the men of intrigue in India, and the minister of intrigue in England, by a studied display of the power of this their connecting link. Every trust, every honor, every distinction was to be heaped upon him. He was at once made a director of the India Company; made an alderman of London; and to be made, if ministry could prevail, (and I am sorry to say how near, how very near they were prevailing,) representative of the capital of this kingdom. But to secure his services against all risk, he was brought in for a ministerial borough. On his part, he was not wanting in zeal for the common cause. His advertisements shew his motives, and the merits upon which he stood. For your minister, this worn-out veteran submitted to enter into the dusty field of the London contest; and you all remember, that in the same virtuous cause he submitted to keep a sort of public office or counting-house, where the whole business of the last general election was managed. It was openly managed by the direct agent and attorney of Benfield. It was managed upon Indian principles, and for an Indian interest. This was the golden cup of abominations; this the chalice of the fornications of rapine, usury, and oppression, which was held out by the gorgeous eastern harlot; which so many of the people, so many of the nobles of this land, had drained to the very dregs. Do you think that no reckoning was to follow this lewd debauch? that no payment was to be demanded for this riot of public drunkenness and national prostitution? Here! you have it here before you. The principal of the grand election manager must be indemnified; accordingly the claims of Benfield and his crew must be put above all inquiry.

For several years, Benfield appeared as the chief proprietor, as well as the chief agent, director, and controller, of this system of debt. The worthy chairman of the company has stated the claims of this single gentleman on the nabob of Ar-

cot, as amounting to five hundred thousand pounds.* Possibly at the time of the chairman's state they might have been as high. Eight hundred thousand pounds had been mentioned some time before ;† and according to the practice of shifting the names of creditors in these transactions, and reducing or raising the debt itself at pleasure, I think it not impossible, that at one period, the name of Benfield might have stood before those frightful figures. But my best information goes to fix his share no higher than four hundred thousand pounds. By the scheme of the present ministry for adding to the principal twelve *per cent.* from the year 1777 to the year 1781, four hundred thousand pounds, that smallest of the sums ever mentioned for Mr. Benfield, will form a capital of £592,000 at six *per cent.* Thus, besides the arrears of three years, amounting to £106,500 (which, as fast as received, may be legally lent out at twelve *per cent.*) Benfield has received by the ministerial grant before you, an annuity of £35,520 a year, charged on the public revenues.

Our mirror of ministers of finance, did not think this enough for the services of such a friend as Benfield. He found that lord Macartney, in order to frighten the court of directors from the project of obliging the nabob to give soucar security for his debt, assured them, that if they should take that step, Benfield‡ would infallibly be the soucar; and would thereby become the entire master of the Carnatic. What lord Macartney thought sufficient to deter the very agents and partakers with Benfield in his iniquities, was the inducement to the two right honorable gentlemen to order this very soucar security to be given, and to recall Benfield to the city of Madras, from the sort of decent exile, into which he had been relegated by lord Macartney. You must therefore consider Benfield, as soucar security for £480,000 a year, which at twenty-four *per cent.* (supposing him contented with that profit) will, with the interest of his old debt, produce an annual income of £149,520 a year.

* Mr. Smith's protest.

† Madras correspondence on the subject. ‡ Appendix, No. 6.

Here is a specimen of the new and pure aristocracy created by the right honorable gentleman,* as the support of the crown and constitution, against the old, corrupt, refractory, natural interests of this kingdom; and this is the grand counterpoise against all odious coalitions of these interests. A single Benfield outweighs them all; a criminal, who long since ought to have fattened the region kites with his offal, is, by his majesty's ministers, enthroned in the government of a great kingdom, and enfeoffed with an estate, which in the comparison effaces the splendor of all the nobility of Europe. To bring a little more distinctly into view the true secret of this dark transaction, I beg you particularly to advert to the circumstances which I am going to place before you.

The general corps of creditors, as well as Mr. Benfield himself, not looking well into futurity, nor presaging the minister of this day, thought it not expedient for their common interest, that such a name as his should stand at the head of their list. It was therefore agreed amongst them, that Mr. Benfield should disappear by making over his debt to Messrs. Taylor, Majendie and Call, and should in return be secured by their bond.

The debt thus exonerated of so great a weight of its odium, and otherwise reduced from its alarming bulk, the agents thought they might venture to print a list of the creditors. This was done for the first time in the year 1783, during the duke of Portland's administration. In this list the name of Benfield was not to be seen. To this strong negative testimony was added the further testimony of the nabob of Arcot. That prince† (or rather Mr. Benfield for him) writes to the court of directors a letter‡ full of complaints and accusations against lord Macartney, conveyed in such terms as

* Right honorable William Pitt. † Appendix, No. 10.

‡ Dated 13th October. For further illustration of the style in which these letters were written, and the principles on which they proceed, see letters from the nabob to the court of directors, dated August 16th, and September 7th, 1783, delivered by Mr. James Macpherson, minister to the nabob, January 14th, 1784. Appendix, No. 10.

were natural for one of Mr. Benfield's habits and education to employ. Amongst the rest he is made to complain of his lordship's endeavoring to prevent an intercourse of politeness and sentiment between him and Mr. Benfield; and to aggravate the affront, he expressly declares Mr. Benfield's visits to be only on account of respect and of gratitude, as no pecuniary transaction subsisted between them.

Such, for a considerable space of time, was the outward form of the loan of 1777, in which Mr. Benfield had no sort of concern. At length intelligence arrived at Madras, that this debt, which had always been renounced by the court of directors, was rather like to become the subject of something more like a criminal inquiry, than of any patronage or sanction from parliament. Every ship brought accounts, one stronger than the other, of the prevalence of the determined enemies of the Indian system. The public revenues became an object desperate to the hopes of Mr. Benfield; he therefore resolved to fall upon his associates, and, in violation of that faith which subsists among those who have abandoned all other, commences a suit in the mayor's court against Taylor, Majendie and Call, for the bond given to him, when he agreed to disappear for his own benefit as well as that of the common concern. The assignees of his debt, who little expected the springing of this mine, even from such an engineer as Mr. Benfield, after recovering their first alarm, thought it best to take ground on the real state of the transaction. They divulged the whole mystery, and were prepared to plead that they had never received from Mr. Benfield any other consideration for the bond, than a transfer, in trust for himself, of his demand on the nabob of Arcot. An universal indignation arose against the perfidy of Mr. Benfield's proceeding: the event of the suit was looked upon as so certain, that Benfield was compelled to retreat as precipitately as he had advanced boldly; he gave up his bond, and was reinstated in his original demand, to wait the fortune of other claimants. At that time, and at Madras, this hope was dull indeed; but at home another scene was preparing.

It was long before any public account of this discovery at Madras had arrived in England, that the present minister and his board of control, thought fit to determine on the debt of 1777. The recorded proceedings at this time knew nothing of any debt to Benfield. There was his own testimony; there was the testimony of the list; there was the testimony of the nabob of Arcot against it. Yet such was the ministers' feeling of the true secret of this transaction, that they thought proper, in the teeth of all these testimonies, to give him license to return to Madras. Here the ministers were under some embarrassment. Confounded between their resolution of rewarding the good services of Benfield's friends and associates in England, and the shame of sending that notorious incendiary to the court of the nabob of Arcot, to renew his intrigues against the British government, at the time they authorize his return, they forbid him under the severest penalties, from any conversation with the nabob or his ministers; that is, they forbid his communication with the very person on account of his dealings with whom they permit his return to that city. To overtop this contradiction, there is not a word restraining him from the freest intercourse with the nabob's second son, the real author of all that is done in the nabob's name; who, in conjunction with this very Benfield, has acquired an absolute dominion over that unhappy man, is able to persuade him to put his signature to whatever paper they please, and often without any communication of the contents. This management was detailed to them at full length by lord Macartney, and they cannot pretend ignorance of it.*

I believe, after this exposure of facts, no man can entertain a doubt of the collusion of ministers with the corrupt interest of the delinquents in India. Whenever those in authority provide for the interest of any person, on the real but concealed state of his affairs, without regard to his avowed, public, and ostensible pretences, it must be presumed that they are in confederacy with him, because they act for him on the

* Appendix, No. 6.

same fraudulent principles on which he acts for himself. It is plain, that the ministers were fully apprized of Benfield's real situation, which he had used means to conceal, whilst concealment answered his purposes. They were, or the person on whom they relied was, of the cabinet council of Benfield, in the very depth of all his mysteries. An honest magistrate compels men to abide by one story. An equitable judge would not hear of the claim of a man who had himself thought proper to renounce it. With such a judge his shuffling and prevarication would have damned his claims; such a judge never would have known, but in order to animadvert upon proceedings of that character.

I have thus laid before you, Mr. Speaker, I think with sufficient clearness, the connection of the ministers with Mr. Atkinson at the general election; I have laid open to you the connection of Atkinson with Benfield; I have shown Benfield's employment of his wealth, in creating a parliamentary interest, to procure a ministerial protection; I have set before your eyes his large concern in the debt, his practices to hide that concern from the public eye, and the liberal protection which he has received from the minister. If this chain of circumstances does not lead you necessarily to conclude that the minister has paid to the avarice of Benfield the services done by Benfield's connections to his ambition, I do not know any thing short of the confession of the party that can persuade you of his guilt. Clandestine and collusive practice can only be traced by combination and comparison of circumstances. To reject such combination and comparison is to reject the only means of detecting fraud; it is indeed to give it a patent and free license to cheat with impunity.

I confine myself to the connection of ministers, mediately or immediately, with only two persons concerned in this debt. How many others, who support their power and greatness within and without doors, are concerned originally, or by transfers of these debts, must be left to general opinion. I refer to the reports of the select committee for the proceedings of some of the agents in these affairs, and their attempts, at

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ırt, I follow their crimes to that point to which legal
ıı ions and natural indications lead me, without con-
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ery, than thus to become a standing auxiliary to the
ssion, usury, and peculation of multitudes, in order to
ın a corrupt support to their power. It is by bribing, not
ften by being bribed, that wicked politicians bring ruin on mankind. Avarice is a rival to the pursuits of many. It finds a multitude of checks, and many opposers, in every walk of life. But the objects of ambition are for the few; and every person who aims at indirect profit, and therefore wants other protection than innocence and law, instead of its rival becomes its instrument. There is a natural allegiance and fealty due to this domineering paramount evil, from all the vassal vices, which acknowledge its superiority, and readily militate under its banners; and it is under that discipline alone that avarice is able to spread to any considerable extent, or to render itself a general public mischief. It is therefore no apology for ministers, that they have not been bought by the East India delinquents, but that they have only formed an alliance with them for screening each other from justice, according to the exigence of their several necessities. That they have done so is evident; and the junction of the power of office in England, with the abuse of authority in the east, has not only prevented even

* Second Report of Select (General Smith's) Committee.

the appearance of redress to the grievances of India, but I wish it may not be found to have dulled, if not extinguished, the honor, the candor, the generosity, the good nature, which used formerly to characterize the people of England. I confess, I wish that some more feeling than I have yet observed for the sufferings of our fellow-creatures and fellow-subjects in that oppressed part of the world, had manifested itself in any one quarter of the kingdom, or in any one large description of men.

That these oppressions exist, is a fact no more denied, than it is resented as it ought to be. Much evil has been done in India under the British authority. What has been done to redress it? We are no longer surprised at any thing. We are above the unlearned and vulgar passion of admiration. But it will astonish posterity, when they read our opinions in our actions, that after years of inquiry we have found out that the sole grievance of India consisted in this, that the servants of the company there had not profited enough of their opportunities, nor drained it sufficiently of its treasures; when they shall hear that the very first and only important act of a commission specially named by act of parliament, is to charge upon an undone country, in favor of a handful of men in the humblest ranks of the public service, the enormous sum of perhaps four millions of sterling money.

It is difficult for the most wise and upright government to correct the abuses of remote delegated power, productive of unmeasured wealth, and protected by the boldness and strength of the same ill-got riches. These abuses, full of their own wild native vigor, will grow and flourish under mere neglect. But where the supreme authority, not content with winking at the rapacity of its inferior instruments, is so shameless and corrupt as openly to give bounties and premiums for disobedience to its laws; when it will not trust to the activity of avarice in the pursuit of its own gains; when it secures public robbery by all the careful jealousy and attention with which it ought to protect property from such violence; the commonwealth then is become totally perverted from its pur-

poses; neither God nor man will long endure it; nor will it long endure itself. In that case, there is an unnatural infection, a pestilential taint fermenting in the constitution of society, which fever and convulsions of some kind or other must throw off; or in which the vital powers, worsted in an unequal struggle, are pushed back upon themselves, and by a reversal of their whole functions, fester to gangrene, to death; and instead of what was but just now the delight and boast of the creation, there will be cast out in the face of the sun, a bloated, putrid, noisome carcass, full of stench and poison, an offence, a horror, a lesson to the world.

In my opinion, we ought not to wait for the fruitless instruction of calamity to inquire into the abuses which bring upon us ruin in the worst of its forms, in the loss of our fame and virtue. But the right honorable gentleman* says, in answer to all the powerful arguments of my honorable friend—"that this inquiry is of a delicate nature, and that the state will suffer detriment by the exposure of this transaction." But it is exposed; it is perfectly known in every member, in every particle, and in every way, except that which may lead to a remedy. He knows that the papers of correspondence are printed, and that they are in every hand.

He and delicacy are a rare and a singular coalition. He thinks that to divulge our Indian politics, may be highly dangerous. He! the mover! the chairman! the reporter of the committee of secrecy! he that brought forth in the utmost detail, in several vast, printed folios, the most recondite parts of the politics, the military, the revenues of the British empire in India! With six great chopping bastards,† each as lusty as an infant Hercules, this delicate creature blushes at the sight of his new bridegroom, assumes a virgin delicacy; or, to use a more fit, as well as a more poetic comparison, the person so squeamish, so timid, so trembling lest the winds of heaven

* Mr. Dundas.

† Six Reports of the Committee of Secrecy.

should visit too roughly, is expanded to broad sunshine, exposed like the sow of imperial augury, lying in the mud with all the prodigies of her fertility about her, as evidence of her delicate amors—*Triginta capitum fœtus enixa jacebat, alba solo recubans albi circum ubera nati.*

Whilst discovery of the misgovernment of others led to his own power, it was wise to inquire; it was safe to publish: there was then no delicacy; there was then no danger. But when his object is obtained, and in his imitation he has outdone the crimes that he had reprobated in volumes of reports, and in sheets of bills of pains and penalties; then concealment becomes prudence; and it concerns the safety of the state, that we should not know, in a mode of parliamentary cognizance, what all the world knows but too well, that is, in what manner he chooses to dispose of the public revenues to the creatures of his politics.

The debate has been long, and as much so on my part, at least, as on the part of those who have spoken before me. But long as it is, the more material half of the subject has hardly been touched on; that is, the corrupt and destructive system to which this debt has been rendered subservient, and which seems to be pursued with at least as much vigor and regularity as ever. If I considered your ease or my own, rather than the weight and importance of this question, I ought to make some apology to you, perhaps some apology to myself, for having detained your attention so long. I know on what ground I tread. This subject, at one time taken up with so much fervor and zeal, is no longer a favorite in this house. The house itself has undergone a great and signal revolution. To some the subject is strange and uncouth; to several harsh and distasteful; to the reliques of the last parliament it is a matter of fear and apprehension. It is natural for those who have seen their friends sink in the tornado which raged during the late shift of the monsoon, and have hardly escaped on the planks of the general wreck, it is but too natural for them, as soon as they make the rocks and quicksands of their former disasters, to put about their new-

[illegible] to keep aloof from this [illegible]

[illegible] our thoughts, [illegible] public interest [illegible] attempts to banish this [illegible] upon us again [illegible] more unpleasant than [illegible] for that great [illegible] says, that there- [illegible] Heavens! [illegible] into the [illegible] government: [illegible] because it [illegible] into the con- [illegible] account for. Unfor- [illegible] has been laid on [illegible] superstructure is raised [illegible] projectors. The event has [illegible] had been other- [illegible] as I wished. [illegible] the better [illegible] the publicity of [illegible] parliament. [illegible] home, even [illegible] audience [illegible] applause or [illegible] company before [illegible] other side of the [illegible] tyranny and [illegible] and unre- [illegible] must ensue. For [illegible] reject, shall [illegible] authoritative. [illegible] my post. Baf- [illegible] as the cause [illegible] dearer to me. [illegible] before you any

thing towards the relief of our distressed fellow-citizens in India, and towards a subversion of the present most corrupt and oppressive system for its government, in me shall find, a weak, I am afraid, but a steady, earnest, and faithful assistant.

APPENDIX.

No. 1.

CLAUSES OF MR. PITT'S BILL.

Referred to from p. 419.

Appointing Commissioners to inquire into the fees, gratuities, perquisites, emoluments, which are, or have been lately, received in the several public offices therein mentioned; to examine into any abuses which may exist in the same, &c.

AND be it further enacted, that it shall and may be lawful to and for the said commissioners, or any two of them, and they are hereby empowered, authorized, and required, *to examine upon oath* (which oath they, or any two of them, are hereby authorized to administer,) the several persons, of *all* descriptions, belonging to any of the offices or departments before mentioned, and *all other persons* whom the said commissioners, or any two of them, shall think fit to examine, touching *the business* of each office or department, and *the fees, gratuities, perquisites, and emoluments taken therein*, and touching all other matters and things necessary for the execution of the powers vested in the said commissioners by this act; *all which persons* are hereby required and directed punctually to attend the said commissioners, *at such time and place as they, or any two of them, shall appoint, and also to observe and execute such orders and directions* as the said commissioners, or any two of them, shall make or give for the purposes before mentioned.

And be it enacted by the authority aforesaid, that the said commissioners, or any two of them, shall be, and are hereby empowered to examine into any corrupt and fraudulent practices, or other misconduct, committed by any person or persons concerned in the management of any of the offices or departments herein before mentioned: and, for the better execution of this present act, the said commissioners, or *any two of them, are hereby authorized to meet and sit, from time to time, in such place or places as they shall find most convenient, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records, as they shall judge necessary for their information, relating to any of the offices or departments herein before mentioned; and all bailiffs, constables, sheriffs, and other his majesty's officers, are hereby required to obey and execute such orders and precepts aforesaid, as shall be sent to them or any of them by the said commissioners, or any two of them, touching the premises.*

No. 2.

Referred to from p. 423.

NABOB OF ARCOT'S DEBTS.

Mr. George Smith being asked, Whether the debts of the nabob of Arcot have increased since he knew Madras? he said, Yes, they have. He distinguishes his debts into two sorts; those contracted before the year 1766, and those contracted from that year to the year in which he left Madras. Being asked, What he thinks is the original amount of the old debts? he said, Between twenty-three and twenty-four lacks of pagodas, as well as he can recollect.—Being asked, What was the amount of that debt when he left Madras? he said, Between four and five lacks of pagodas, as he understood.—Being asked, What was the amount of the new debt when he left Madras? he said, In November, 1777, that

debt amounted, according to the nabob's own account, and published at Chipauk, his place of residence, to sixty lacks of pagodas, independent of the old debt, on which debt of sixty lacks of pagodas, the nabob did agree to pay an interest of twelve per cent. per annum.—Being asked, Whether this debt was approved of by the court of directors? he said, He does not know it was.—Being asked, Whether the old debt was recognised by the court of directors? He said, Yes, it has been; and the court of directors have sent out repeated orders to the president and council of Madras, to enforce its recovery and payment.—Being asked, If the interest upon the new debt is punctually paid? he said, It was not during his residence at Madras, from 1777 to 1779, in which period he thinks no more than five per cent. interest was paid, in different dividends of two and one per cent.—Being asked, What is the usual course taken by the nabob, concerning the arrears of interest? he said, Not having ever lent him moneys himself, he cannot fully answer as to the mode of settling the interest with him.

Being asked, Whether he has reason to believe the sixty lacks of pagodas was all principal money really and truly advanced to the nabob of Arcot, or a fictitious capital, made up of obligations given by him, where no money or goods were received, or which was increased by the uniting into it a greater interest than the 12 per cent. expressed to be due on the capital? he said, He has no reason to believe that the sum of sixty lacks of pagodas was lent in money or goods to the nabob, because that sum he thinks is of more value than all the money, goods, and chattels in the settlement; but he does not know in what mode or manner this debt of the nabob's was incurred or accumulated.—Being asked, Whether it was not a general and well-grounded opinion at Madras, that a great part of this sum was accumulated by obligations, and was for services performed or to be performed for the nabob? he said, He has heard that a part of this debt was given for the purposes mentioned in the above question, but he does not know that it was so.—Being asked, Whether it was the gen-

eral opinion of the settlement? he said, He cannot say that it was the general opinion, but it was the opinion of a considerable part of the settlement.—Being asked, whether it was the declared opinion of those that were concerned in the debt, or those that were not? he said, It was the opinion of both parties, at least such of them as he conversed with.—Being asked, Whether he has reason to believe that the interest really paid by the nabob, upon obligations given, or money lent, did not frequently exceed 12 per cent.?—he said, Prior to the first of August 1774, he had had reason to believe, that a higher interest than 12 per cent. was paid by the nabob, on moneys lent to him; but from and after that period, when the last act of parliament took place in India, he does not know that more than 12 per cent. had been paid by the nabob, or received from him.—Being asked, Whether it is not his opinion, that the nabob has paid more than 12 per cent. for money due since the 1st of August 1774? he said, He has heard that he has, but he does not know it.—Being asked, Whether he has been told so by any considerable and weighty authority, that was like to know? he said, He has been so informed by persons who he believes had a very good opportunity of knowing it.—Being asked, Whether he was ever told so by the nabob of Arcot himself? he said, He does not recollect that the nabob of Arcot directly told him so, but from what he said, he did infer that he paid a higher interest than 12 per cent.

Mr. Smith being asked, Whether, in the course of trade, he ever sold any thing to the nabob of Arcot? he said, In the year 1775 he did sell to the nabob of Arcot pearls to the amount of 32,500 pagodas, for which the nabob gave him an order or tankah on the country of Tanjore, payable in six months, without interest.—Being asked, Whether, at the time he asked the nabob his price for the pearls, the nabob beat down that price, as dealers commonly do? he said, No; so far from it, he offered him more than he asked by 1,000 pagodas, and which he rejected. Being asked, Whether in settling a transaction of discount with the nabob's agent, he

No. 4.

Referred to from p. 458 and 465.

(COPY.)

27th May, 1782.

Letter from the Committee of assigned Revenue, to the President and Select Committee, dated 27th May, 1782; with comparative statement, and minute thereon.

To the Right Honorable Lord Macartney, K. B. President, and Governor, &c. Select Committee of Fort St. George.

My Lord, and Gentlemen,

ALTHOUGH we have, in obedience to your commands of the 5th January, regularly laid before you our proceedings at large, and have occasionally addressed you upon such points as required your resolutions or orders for our guidance, we still think it necessary to collect and digest, in a summary report, those transactions in the management of the assigned revenue, which have principally engaged our attention, and which, upon the proceeding, are too much intermixed with ordinary occurrences to be readily traced and understood.

Such a report may be formed with the greater propriety at this time, when your lordship, &c. have been pleased to conclude your arrangements for the rent of several of the nabob's districts. Our aim in it is briefly to explain the state of the Carnatic at the period of the nabob's assignment; the particular causes which existed, to the prejudice of that assignment, after it was made; and the measures which your lordship, &c. have, upon our recommendation, adopted for removing those causes, and introducing a more regular and beneficial system of management in the country.

Hyder Ally having entered the Carnatic with his whole force, about the middle of July, 1780, and employed fire and sword in its destruction for near eighteen months before the nabob's assignment took place, it will not be difficult to conceive the state of the country at that period. In those provinces

which were fully exposed to the ravages of horse, scarce a vestige remained either of population or agriculture: such of the miserable inhabitants as escaped the fury of the sword were either carried into the Mysore country, or left to struggle under the horrors of famine. The Arcot and Trichinopoly districts began early to feel the effects of this desolating war. Tinnevelly, Madura, and Ramnadaporum, though little infested with Hyder's troops, became a prey to the incursions of the Polygars, who stript them of the greatest part of the revenues; Ongole, Nellore, and Palnaud, the only remaining districts, had suffered but in a small degree.

The misfortunes of war, however, were not the only evils which the Carnatic experienced. The nabob's aumildars, and other servants, appear to have taken advantage of the general confusion to enrich themselves. A very small part of the revenue was accounted for; and so high were the ordinary expenses of every district, that double the apparent produce of the whole country would not have satisfied them.

In this state, which we believe is no way exaggerated, the company took charge of the assigned countries. Their prospect of relief from the heavy burthens of the war, was indeed but little advanced by the nabob's concession; and the revenues of the Carnatic seemed in danger of being irrecoverably lost, unless a speedy and entire change of system could be adopted.

On our minutes of the 21st January, we treated the subject of the assignment at some length, and pointed out the mischiefs which, in addition to the effects of the war, had arisen from what we conceived to be wrong and oppressive management. We used the freedom to suggest an entire alteration in the mode of realizing the revenues. We proposed a considerable and immediate reduction of expenses, and a total change of the principal aumildars who had been employed under the nabob.

Our ideas had the good fortune to receive your approbation; but the removal of the nabob's servants being thought improper at that particular period of the collections, we employed

our attention chiefly in preserving what revenue was left the country, and acquiring such materials as might lead to a more perfect knowledge of its former and present state.

These pursuits, as we apprehended, met with great obstructions from the conduct of the nabob's servants. The orders they received were evaded under various pretexts; no attention was paid to the strong and repeated applications made to them for the accounts of their management; and their attachment to the company's interest appeared, in every instance, so feeble, that we saw no prospect whatever of success, but in the appointment of renters under the company's sole authority.

Upon this principle we judged it expedient to recommend that such of the nabob's districts as were in a state to be farmed out, might be immediately let by a public advertisement, issued in the company's name, and circulated through every province of the Carnatic; and with the view of encouraging bidders, we proposed, that the countries might be advertised for the whole period of the nabob's assignment, and the security of the company's protection promised, in the fullest manner, to such persons as might become renters.

This plan had the desired effect; and the attempts which were secretly made to counteract it, afforded an unequivocal proof of its necessity: but the advantages resulting from it were more pleasingly evinced, by the number of proposals that were delivered, and by the terms which were in general offered for the districts intended to be farmed out.

Having so far attained the purposes of the assignment, our attention was next turned to the heavy expenses entailed upon the different provinces; and here, we confess, our astonishment was raised to the highest pitch. In the Trichinopoly country, the standing disbursements appeared, by the nabob's own accounts, to be one lack of rupees more than the receipts. In other districts, the charges were not in so high a proportion, but still rated on a most extravagant scale; and we saw, by every account that was brought before us, the absolute necessity of retrenching considerably in all the articles of expense.

Our own reason, aided by such inquiries as we were able to make, suggested the alterations we have recommended to your lordship, &c. under this head. You will observe, that we have not acted sparingly; but we chose rather, in cases of doubt, to incur the hazard of retrenching too much than too little; because it would be easier, after any stated allowance for expenses, to add what might be necessary, than to diminish. We hope, however, there will be no material increase in the articles as they now stand.

One considerable charge upon the nabob's country was for extraordinary sibbendies, sepoys, and horsemen, who appeared to us to be a very unnecessary incumbrance on the revenue. Your lordship, &c. have determined to receive such of these people as will enlist into the company's service, and discharge the rest. This measure will not only relieve the country of a heavy burthen, but tend greatly to fix in the company that kind of authority, which is requisite for the due collection of the revenues.

In consequence of your determination respecting the nabob's sepoys, &c. every charge under that head has been struck out of our account of expenses. If the whole number of these people be enlisted by the company, there will probably be no more than sufficient to complete their ordinary military establishment. But should the present reduction of the nabob's artillery render it expedient, after the war, to make any addition to the company's establishment, for the purposes of the assigned countries; the expense of such addition, whatever it be, must be deducted from the present account of savings.

In considering the charges of the several districts, in order to establish better regulations, we were careful to discriminate those incurred for troops kept, or supposed to be kept up for the defence of the country, from those of the sibbendy, servants, &c. for the cultivation of the lands, and the collection of the revenues, as well as to pay attention to such of the established customs of the country, ancient privileges of the inhabitants, and public charities, as were necessarily allowed, and appeared proper to be continued; but which, under the

nabob's government, were not only rated much higher, but had been blended under one confused and almost unintelligible title of Expenses of the Districts; so joined, perhaps, to afford pleas and means of secreting and appropriating great part of the revenues to other purposes than fairly appeared; and certainly betraying the utmost neglect and mismanagement, as giving latitude for every species of fraud and oppression. Such a system has, in the few latter years of the nabob's necessities, brought all his countries into that situation, from which nothing but the most rigid economy, strict observance of the conduct of managers, and the most conciliating attention to the rights of the inhabitants, can possibly recover them.

It now only remains for us to lay before your lordship, &c. the enclosed statement of the sums at which the districts lately advertised have been let, compared with the accounts of their produce delivered by the nabob, and entered on our proceedings of the 21st January. Likewise a comparative view of their former and present expenses.

The nabob's accounts of the produce of these districts state, as we have some reason to think, the sums which former renters engaged to pay to him (and which were seldom, if ever, made good,) and not the sums actually produced by the districts; yet we have the satisfaction to observe, that the present aggregate rents, upon an average, are equal to those accounts. Your lordship, &c. cannot indeed expect, that, in the midst of the danger, invasion, and distress, which assail the Carnatic on every side, the renters now appointed will be able at present to fulfil the terms of their leases; but we trust, from the measures we have taken, that very little, if any, of the actual collections will be lost, even during the war; and that on the return of peace and tranquillity, the renters will have it in their power fully to perform their respective agreements.

We much regret that the situation of the Arcot province will not admit of the same settlement which has been made for the other districts; but the enemy being in possession of the capital, together with several other strong holds, and hav-

ing entirely desolated the country, there is little room to hope for more from it, than a bare subsistence to the few garrisons we have left there.

We shall not fail to give our attention towards obtaining every information respecting this province, that the present times will permit; and to take the first opportunity to propose such arrangements for the management as we may think eligible.

We have the honor to be
your most obedient humble servants,

CHARLES OAKLEY,
EYLES IRWIN,
HALL PLUMER,
DAVID HALIBURTON,
GEORGE MOUBRAY.

Fort St. George, 27th May, 1782.

A true copy,
J. HUDLESTON, *Sec.*

COMPARATIVE STATEMENT of the Revenues and Expenses of the Nellore, Ongole, Patnaud, Trichinopoly, Madura, and Tennevelly Countries, while in the Hands of the Nabob, with those of the same Countries on the Terms of the Leases lately granted for Four Years to commence with the beginning of the Phazeley 1192, or the 12th July, 1782. Abstracted from the Accounts received from the Nabob, and from the Rents stipulated for, and Expenses allowed by the present Leases.

	Gross Revenue.		Expenses.			Net Revenue.		
	Annual Gross Rent by the Nabob's Account, average of the four years immediately preceding the present War.	Annual Rent by the present Leases, at an average of four years.	Annual Expenses by the Nabob's Accounts.	Annual Expenses allowed by the present Leases at an estimate.	Reduction in the annual expenses.	Net Revenue by the Nabob's Accounts.	Net Revenue by the present Leases.	Increase of net Revenue.
	Star Pagodas.	Star Pagodas.	Star Pagodas.	Star Pagodas.	Star Pagodas.	Star Pagodas	Star Pagodas.	Star Pagodas.
Nellore and Sevapully	3,22,830	3,61,900	1,98,794	33,000	1,65,794	1,24,036	3,28,900	2,04,864
Ongole . .	1,10,967 (*a*)	55,000	88,254	—	88,254	22,713	55,000	32,287
Patnaud . .	51,355	53,500	25,721	5,698	20,023	25,634	47,802	22,168
Trichinopoly .	2,89,993 (*b*)	2,73,214	2,82,148	19,143	2,63,005	7,845	2,54,071	2,46,226
Madura . .	1,02,756	60,290	63,710	12,037	51,673	39,046	48,253	9,207
Tennevelly . .	5,65,537	5,79,713	1,64,098	70,368	93,730	4,01,439	5,09,345	1,07,906
Total	14,43,438	13,83,617	8,22,725	1,40,246	6,82,479	6,20,713	12,43,371	6,22,658

N. B. In this statement, Madras Pagodas are calculated at 10 per cent. Batta, Chuckrums at $\frac{3}{4}$ds of a Porto Novo Pagoda, which are reckoned at (*a*) 115 per 100 Star Pagodas, and Rupees at 350 per 100 Star Pagodas. To avoid fractions, the nearest integral numbers have been taken.

In this statement, the Ongole country, though it is included under the head of gross revenue, has been let for a certain sum, exclusive of charges.

If the expenses specified in the Nabob's vassool accounts for this district are added, the present gross revenue even would appear to exceed the Nabob's; and as the country is only let for one year, there may hereafter be an increase of its revenue.

(*b*) The Trichinopoly countries let for the above sum, exclusive of the expenses of Sibbendy and Saderwared, amounting by the Nabob's accounts to rupees 1,30,00 per annum, which are to be defrayed by the renter.—And the jaghires of Amur ul Omrah, and the Begum, are not included in the present lease.

Fort St. George, 27th May, 1782.

Signed, CHARLES OAKLEY, EYLES IRWIN, HALL PLUMER, DAVID HALIBURTON, GEO. MOUBRAY.

No. 5.

Referred to from p. 468.

Case of certain Persons renting the assigned Lands under the authority of the East India Company.

Extract of a Letter from the President and Council of Fort St. George, 25th May, 1783.

"ONE of them [the renters] Ram Chunder Raus, was indeed one of those unfortunate rajahs whose country, *by being near to the territories of the nabob*, forfeited its title to independence; and became the prey of ambition and cupidity. This man, though not able to resist the company's arms, *employed in such a deed at the nabob's instigation*, had industry and ability. He acquired, *by a series of services*, even the confidence of the nabob; who suffered him to *rent a part of the country of which he had deprived him of the property*. This man had afforded no motive for his rejection by the nabob, but that of being ready to engage with the company; a motive most powerful indeed, but not to be avowed."

[This is the person whom the English instruments of the nabob of Arcot have had the audacity to charge with a corrupt transaction with Lord Macartney; and, in support of that charge, to produce a forged letter from his lordship's steward. The charge and letter the reader may see in this appendix, under the proper head. It is asserted, by the unfortunate prince above mentioned, that the company first settled on the coast of Coromandel under the protection of one of his ancestors. If this be true (and it is far from unlikely) the world must judge of the return the descendant has met with. The case of another of the victims, given up by the ministry, though not altogether so striking as the former, is worthy of attention. It is that of the renter of the province of Nellore.]

"It is with a wantonness of falsehood and indifference to detection, asserted to you, in proof of the validity of the nabob's objections, that this man's failures had already forced us to remove him; though in fact he has continued invari-

ably in office; though our *greatest supplies have been received from him;* and that, in the disappointment of your remittances [the remittances from Bengal] and of other resources, the specie sent us *from Nellore alone* has sometimes enabled us to carry on the public business; and that the *present expedition against the French* must, without *this* assistance from the assignment, have been laid aside, or delayed until it might have become too late."

[This man is by the ministry given over to the mercy of persons capable of making charges on him, "*with a wantonness of falsehood, and indifference to detection.*" What is likely to happen to him and the rest of the victims, may appear by the following]

Letter to the Governor General and Council, March 13th, 1782.

"The speedy termination to which the people were taught to look, of the company's interference in the revenues, and the vengeance denounced against those who, contrary to the mandate of the durbar, should be connected with them, as reported by Mr. Sullivan, may, as much as the former exactions and oppressions of the nabob in the revenue, as reported by the commander in chief, have deterred some of the fittest men from offering to be concerned in it.

"The timid disposition of the Hindoo natives of this country was not likely to be insensible to the specimen of that vengeance given by his excellency the amur, who, upon the mere rumor that a Bramin, of the name of Appagee Row, had given proposals to the company for the rentership of Vellore, had the temerity to send for him, and to put him in confinement.

"A man thus seized by the nabob's seapoys within the walls of Madras, gave a general alarm; and government found it necessary to promise the protection of the company, in order to calm the apprehensions of the people."

No. 6.

Referred to from p. 490.

Extract of a letter from the Council and Select Committee at Fort St. George, to the Governor General and Council, dated 25th May, 1783.

In the prosecution of our duty, we beseech you to consider as an act of strict and necessary justice, previous to reiteration of your orders for the surrender of the assignment, how far it would be likely to affect third persons, who do not appear to have committed any breach of their engagements. You command us to compel our aumils to deliver over their respective charges as shall be appointed by the nabob, or to retain their trust under his sole authority, if he shall choose to confirm them. These aumils are really renters, they were appointed in the room of the nabob's aumils, and contrary to his wishes; they have already been rejected by him, and are therefore not likely to be confirmed by him. They applied to this government, in consequence of public advertisements in our name, as possessing in this instance the joint authority of the nabob and the company, and have entered into mutual and strict covenants with us, and we with them, relative to the certain districts not actually in the possession of the enemy; by which covenants, as they are bound to the punctual payment of their rents, and due management of the country, so we, and our constituents, and the public faith, are in like manner bound to maintain them in the enjoyment of their leases, during the continuance of the term; that term was for five years agreeably to the words of the assignment, which declare that the time of renting shall be for three or five years, as the governor shall settle with the renters.—Their leases cannot be legally torn from them. Nothing but their previous breach of a part could justify our breach of the whole; such a stretch and abuse of power would indeed not only savor of the assumption of sovereignty, but of arbitrary and oppressive despotism. In the present contest, whether the nabob be guilty,

nilty. Whichever of
ndition of the assign-
he condition of their
usiness of the assign-
designs of the nabob,
against all who should
durbar justice. Grati-
vision should be made
ministers loose on the
victims devoted to their

nency of his power, and
ght it necessary to render
the state of his affairs.
justice was not done to the
he keenness of his attacks,
by the company's servants
letters. He therefore pro-
or the future be transmitted
nguage or writing his high-
one word, though the latter
fluency. The Persian lan-
Mahomedan conquerors, and
ppendage or signal of authority,
affected by the nabob:—it is
state, and all public transac-
an chiefs of Indostan. The nabob
no inconsiderable point, in procuring
our predecessors to the rajah of Tan-
the Marattah language, which that
lands, to the Persian, which he disclaims
force the rajah to the nabob's language,
latter with a new species of subserviency.
contended with considerable anxiety, and
inconsiderable cost, for particular forms
used towards him in that language. But
in favor of Mr. Benfield, he quits his former

field would now again argue from his former observations, that under his highness's management, his country declined, his people emigrated, his revenues decreased, and his country was rapidly approaching to a state of political insolvency. Of Syed Assam Cawn, we judge only from the observations this letter already contains. But of the other two persons [Ameer-ul-Omrah and Mr. Benfield] we undertake to declare, not as parties in a cause, or even as voluntary witnesses, but as executive officers, reporting to you, in the discharge of our duty, and under the impression of the sacred obligation which binds us to truth, as well as to justice, that, from every observation of their principles and dispositions, and every information of their character and conduct, they have prosecuted projects to the injury and danger of the company and individuals; *that it would be improper to trust, and dangerous to employ them, in any public or important situation; that the tranquillity of the Carnatic requires a restraint to the power of the Ameer; and that the company, whose service and protection Mr. Benfield has repeatedly and recently forfeited, would be more secure against danger and confusion, if he were removed from their several presidencies.*

[After the above solemn declaration from so weighty an authority, the principal object of that awful and deliberate warning, instead of "being removed from the several presidencies," is licensed to return to one of the principal of those presidencies, and the grand theatre of the operations on account of which the presidency recommends his total removal. The reason given is for the accommodation of that very debt which has been the chief instrument of his dangerous practices, and the main cause of all the confusions in the company's government.]

No. 7.

Referred to from p. 472, and p. 477.

Extracts from the evidence of Mr. Petrie, late Resident for the Company at Tanjore, given to the Select Committee, relative to the Revenues and State of the Country, &c. &c.

9th May, 1782.

William Petrie, Esq. attending according to order, was asked, In what station he was in the company's service? he said, He went to India in the year 1765, a writer upon the Madras establishment; he was employed, during the former war with Hyder Ali, in the capacity of paymaster and commissary to part of the army, and was afterwards paymaster and commissary to the army in the first siege of Tanjore, and the subsequent campaigns; then secretary to the secret department from 1772, to 1775; he came to England in 1775, and returned again to Madras the beginning of 1778; he was resident at the durbar of the rajah of Tanjore from that time to the month of May; and from that time to January, 1780, was chief of Nagore and Carrecal, the first of which was received from the rajah of Tanjore, and the second was taken from the French.—Being asked, Who sent him to Tanjore? he said, Sir Thomas Rumbold, and the Secret Committee.—Being then asked, Upon what errand? he said, He went first up with a letter from the company to the rajah of Tanjore; he was directed to give the rajah the strongest assurances that he should be kept in possession of his country, and every privilege to which he had been restored; he was likewise directed to negotiate with the rajah of Tanjore for the cession of the seaports and district of Nagore, in lieu of the town and district of Devicotta, which he had promised to lord Pigot: these were the principal, and to the best of his recollection at present, the only objects in view, when he was first sent up to Tanjore. In the course of his stay at Tanjore other matters of business occurred between the company and the rajah, which came under his management as resident at that durbar. Being asked, Whether the rajah did deliver up to him the town and the annexed

districts of Nagore voluntarily, or whether he was forced to it? he said, When he made the first proposition to the rajah, agreeable to the directions he had received from the secret committee at Madras, in the most free, open, and liberal manner, the rajah told him the seaport of Nagore was entirely at the service of his benefactors the company, and that he was happy in having that opportunity of testifying his gratitude to them; these may be supposed to be words of course, but from every experience which he had of the rajah's mind and conduct, whilst he was at Tanjore, he has reason to believe that his declarations of gratitude to the company were perfectly sincere; he speaks of the town of Nagore at present, and a certain district, not of the districts to the amount of which they afterwards received. The rajah asked him, To what amount he expected a jaghire to the company: And the witness further said, That he acknowledged to the committee that he was not instructed upon that head; that he wrote for orders to Madras, and was directed to ask the rajah for a jaghire to a certain amount; that this gave rise to a long negotiation, the rajah representing to him his inability to make such a gift to the company as the secret committee at Madras seemed to expect; while he (the witness) on the other hand, was directed to make as good a bargain as he could for the company. From the view that he then took of the rajah's finances, from the situation of his country, and from the load of debt which pressed hard upon him, he believes he at different times, in his correspondence with the government, represented the necessity of their being moderate in their demands, and it was at last agreed to accept of the town of Nagore, valued at a certain annual revenue, and a jaghire annexed to the town, the whole amounting to 2,50,000 rupees. Being asked, Whether it did turn out so valuable? he said, He had no doubt but it would turn out more, as it was let for more than that to farmers at Madras, if they had managed the districts properly, *but they were strangers to the manners and customs of the people; when they came down they oppressed the inhabitants, and*

threw the whole district into confusion; the inhabitants, many of them, left the country, and deserted the cultivation of their lands, of course the farmers were disappointed of their collections, and they have since failed, and the company have lost a considerable part of what the farmers were to pay for the jaghire. —Being asked, Who these farmers were? he said, One of them was the renter of the St. Thomé district, near Madras, and the other, and the most responsible, was a Madras dubash. Being asked, Who he was dubash to? he said, To Mr. Cassmajor.

Being asked, Whether the lease was made upon higher terms than the district was rated to him by the rajah? he said, It was.—Being then asked, What reason was assigned why the district was not kept under the former management by amildars, or let to persons in the Tanjore country acquainted with the district? he said, No reasons were assigned: he was directed from Madras to advertise them to be let to persons of the country; but before he received any proposal, he received accounts that they were let at Madras in consequence of public advertisements which had been made there: he believes, indeed, there were very few men in those districts responsible enough to have been entrusted with the management of those lands.—Being asked, Whether, at the time he was authorized to negotiate for Nagore in the place of Devicotta, Devicotta was given up to the rajah? he said, No.—Being asked, Whether the rajah of Tanjore did not frequently desire that the districts of Arné and Hanymanty-goodé should be restored to him agreeable to treaty, and the company's orders to lord Pigot? he said, Many a time; and he transmitted his representations regularly to Madras.—Being then asked, Whether those places were restored to him? he said, Not while he was in India.

Being asked, Whether he was not authorized and required by the presidency at Madras to demand a large sum of money over and above the four lacks of pagodas that were to be annually paid by a grant of the rajah, made in the time of lord Pigot? he said, He was; to the amount, he believes, of four lacks of pagodas, commonly known by the name of

deposit-money.—Being asked, Whether the rajah did not frequently plead his inability to pay that money? he said, He did every time he mentioned it, and complained loudly of the demand.—Being asked, Whether he thinks those complaints were well founded? he says, He thinks the rajah of Tanjore was not only not in a state of ability to pay the deposit-money, but that the annual payment of four lacks of pagodas was more than his revenues could afford.—Being asked, Whether he was not frequently obliged to borrow money, in order to pay the instalments of the annual payments, and such parts as he paid of the deposit? he said, Yes, he was.—Being asked, Where he borrowed the money? he said, He believes principally from soucars or native bankers, and some at Madras, as he told him.—Being asked, Whether he told him that his credit was very good, and that he borrowed upon moderate interest? he said, That he told him he found great difficulties in raising money, and was obliged to borrow at a most exorbitant interest, even some of it at 48 per cent. and he believes not a great deal under it: *he desired him* (*the witness*) *to speak to one of the soucars or bankers of Tanjore, to accommodate him with a loan of money; that man shewed him an account between him and the rajah, from which it appeared that he charged* 48 *per cent. besides compound interest.*—Being asked, Whether the sums due were large? he said, Yes, they were considerable; though he does not recollect the amount.—Being asked, Whether the banker lent the money? he said, He would not, unless the witness could procure him payment of his old arrears.

Being asked, What notice did the government of Madras take of the king of Tanjore's representations of the state of his affairs, and his inability to pay? he said, He does not recollect that, in their correspondence with him, there was any reasoning upon the subject; and in his correspondence with Sir Thomas Rumbold, upon the amount of the jaghire, he seemed very desirous of adapting the demand of government to the rajah's circumstances; but whilst he staid at Tanjore, the rajah was not exonerated from any part of his burthens.

—Being asked, Whether they ever desired the rajah to make up a statement of his accounts, disbursements, debts, and payments, to the company, in order to ascertain whether the country was able to pay the increasing demands upon it? he said, Through him he is certain they never did.—Being then asked, If he ever heard whether they did through any one else? he said, He never did.

Being asked, Whether the rajah is not bound to furnish the cultivators of land with seed for their crops, according to the custom of the country? he said, *The king of Tanjore, as proprietor of the land, always makes advances of money for seed for the cultivation of the land.*—Being then asked, If money beyond his power of furnishing should be extorted from him, might it not prevent, in the first instance, the means of cultivating the country? he said, It certainly does, *he knows it for a fact; and he knows that when he left the country there were several districts which were uncultivated from that cause.* Being asked, Whether it is not necessary to be at a considerable expense in order to keep up the mounds and water-courses? he said, *A very considerable one annually.*—Being asked, What would be the consequence if money should fail for that? he said, *In the first instance the country would be partially supplied with water, some districts would be overflowed, and others would be parched.*—Being asked, Whether there is not a considerable dam called the Anicut, on the keeping up of which the prosperity of the country greatly depends, and which requires a great expense? he said, Yes, there is; the whole of the Tanjore country is admirably well supplied with water, nor can he conceive any method could be fallen upon more happily adapted to the cultivation and prosperity of the country; but, as the Anicut is the source of that prosperity, any injury done to that must essentially affect all the other works in the country; it is a most stupendous piece of masonry; but from the very great floods frequently requiring repairs, which if neglected not only the expense of repairing must be greatly increased, but a general injury done to the whole country.—Being asked, Whether that dam has been

kept in as good preservation since the prevalence of the English government as before? he said, From his own knowledge he cannot tell, but from every thing he has read or heard of the former prosperity and opulence of the kings of Tanjore, he should suppose not.—Being asked, Whether he does not know of several attempts that have been made to prevent the repair, and even to damage the work? he said, The rajah himself frequently complained of that to him, and he has likewise heard it from others at Tanjore.—Being asked, who it was that attempted those acts of violence? he said, He was told it was the inhabitants of the nabob's country adjoining to the Anicut.—Being asked, Whether they were not set on or instigated by the nabob? he answered, The rajah said so.—And being asked, What steps the president and council took to punish the authors, and prevent those violences? he said, To the best of his recollection, the governor told him he would make inquiries into it, but he does not know that any inquiries were made: that Sir Thomas Rumbold, the governor, informed him that he had laid his representations with respect to the Anicut before the nabob, who denied that his people had given any interruption to the repairs of that work.

10th May.

Being asked, What he thinks the real clear receipt of the revenues of Tanjore were worth when he left it? he said, He cannot say what was the net amount, as he does not know the expense of the rajah's collection, but while he was at Tanjore he understood from the rajah himself, and from his ministers, that the gross collection did not exceed nine lack of pagodas, (£360,000.)—Being asked, Whether he thinks the country could pay the eight lack of pagodas which had been demanded to be paid in the course of one year? he said, Clearly not.—Being asked, Whether there was not an attempt made to remove the rajah's minister, upon some delay in payment of the deposit? he said, The governor of Madras wrote to that effect, which he represented to the rajah.—Being asked,

Who was mentioned to succeed to the minister that then was, in case he should be removed? he said, When Sir Hector Munro came afterwards to Tanjore, the old daubiere was mentioned, and recommended to the rajah as successor to his then dewan.—Being asked, Of what age was the daubiere at that time? he said, Of a very great age, upwards of fourscore.—Being asked, Whether a person called Kanonga Saba Pilla was not likewise named? he said, Yes, he was, he was recommended by Sir Thomas Rumbold; and one recommendation, as well as I can recollect, went through me.—Being asked, What was the reason of his being recommended? he said, He undertook to pay off the rajah's debts, and to give security for the regular payment of the rajah's instalments to the company.—Being asked whether he offered to give any security for preserving the country from oppression, and for supporting the dignity of the rajah and his people? he said, He does not know that he did, or that it was asked of him.—Being asked, whether he was a person agreeable to the rajah? he said, He was not.—Being asked, Whether he was not a person who had fled out of the country to avoid the resentment of the rajah? he said, He was.—Being asked, Whether he was not charged by the rajah with mal-practices, and breach of trust relative to his effects? he said, He was; but he told the governor that he would account for his conduct, and explain every thing to the satisfaction of the rajah.—Being asked, Whether the rajah did not consider this man as in the interest of his enemies, and particularly of the nabob of Arcot and Mr. Benfield? he said, He does not recollect that he did mention that to him; he remembers to have heard him complain of a transaction between Kanonga Saba Pilla and Mr. Benfield; but he told him he had been guilty of a variety of mal-practices in his administration, that he had oppressed the people, and defrauded him.—Being asked, In what branch of business the rajah had formerly employed him? he said, He was at one time, he believes, renter of the whole country, was supposed to have great influence with the rajah, and was in fact dewan some time.—Being asked, Whether the nomina-

tion of that man was not particularly odious to the rajah? he said, He found the rajah's mind so exceedingly averse to that man, that he believes he would almost as soon have submitted to his being deposed, as to submit to the nomination of that man to be his prime minister.

13th May.

Mr. Petrie being asked, Whether he was informed by the rajah, or by others at Tanjore or Madras, that Mr. Benfield, whilst he managed the revenues at Tanjore, during the usurpation of the nabob, did not treat the inhabitants with great rigor? he said, He did hear from the rajah, that Mr. Benfield did treat the inhabitants with rigor during the time he had any thing to do with the administration of the revenues of Tanjore.—Being asked, if he recollects in what particulars? he said, The rajah particularly complained, that grain had been delivered out to the inhabitants, for the purposes of cultivation, at a higher price than the market price of grain in the country; he cannot say the actual difference of price, but it struck him at the time as something very considerable.—Being asked, Whether that money was all recovered from the inhabitants? he said, the rajah of Tanjore told him, that the money was all recovered from the inhabitants.—Being asked, Whether he did not hear that the nabob exacted from the country of Tanjore, whilst he was in possession of it? he said, From the accounts which he received at Tanjore, of the revenues for a number of years past, it appeared, that the nabob collected from the country, while he was in possession, rather more than 16 lacks of pagodas annually; whereas when he was at Tanjore, it did not yield more than 9 lacks.—Being asked, From whence that difference arose? he said, When Tanjore was conquered for the nabob, he has been told that many thousands of the native inhabitants fled from the country, some into the country of Mysore, and others into the dominions of the Marattas; he understood from the same authority, that while the nabob was in possession of the country, many inhabitants from the Carnatic, allured by the

not carry these points, which had brought him to Tanjore, he prepared to set off for Madras; that the rajah sent him a letter which he had drawn out, in answer to one which Mr. Benfield had brought him; that Mr. Benfield disapproved of the answer, and returned it by Comroo to the durbar, who did not deliver it into the rajah's hands, but threw it upon the ground, and expressed himself improperly to him.

Being asked, Whether it was at the king of Tanjore's desire, that such persons as Mr. Benfield and Comroo had been brought into his presence? he said, The rajah told him, that when Mr. Paget came to Tanjore, to restore him to his dominions, Comroo, without being sent for, or desired to come to the palace, had found means to get access to his person; he made an offer of introducing Mr. Benfield to the rajah, which he declined.—Being asked, Whether the military officer commanding there protected the rajah from the intrusion of such people? he said, The rajah did not tell him that he called upon the military officer to prevent these intrusions, but that he desired colonel Harper to be present as a witness to what might pass between him and Mr. Benfield.—Being asked, If it is usual for persons of the conditions and circumstances of Mr. Benfield and Comroo to intrude themselves into the presence of the princes of the country, and to transact business with such freedom? he said, Certainly it is not; nor is it the case in any other country.—Being asked, Whether the king of Tanjore has no ministers to whom application might be made to transact such business as Mr. Benfield and Comroo had to do in the country? he said, Undoubtedly; his ministers are the persons whose province it is to transact that business.—Being asked, Before the invasion of the British troops into Tanjore, what would have been the consequence, if Mr. Benfield had intruded himself into the rajah's presence, in the manner he did? he said, He could not say what would have been the consequence; but the attempt would have been madness, and could not have happened.—Being asked, Whether the rajah had not particular exceptions to Comroo, who thought he had betrayed him in very essential

nabob's eldest son? he said, He was in the Black Town of Madras, when he left the country.—Being asked, Whether he was entertained there in a manner suitable to his birth and expectations? he said, No; he lived there without any of those exterior marks of splendor which princes of his rank in India are particularly fond of.—Being asked, Whether he has not heard that his appointments were poor and mean? he said, He has heard that they were not equal to his rank and expectations.—Being asked, Whether he had any share in the government? he said, he believes none; for some years past the nabob has delegated most of the powers of government to his second son.—Being asked, Whether the rajah did not complain to him of the behavior of Mr. Benfield to himself personally; and what were the particulars? he said, He did so, and related to him the following particulars: About fifteen days after lord Pigot's confinement, Mr. Benfield came to Tanjore, and delivered the rajah two letters from the then governor, Mr. Stratton, one public, and the other private; he demanded an immediate account of the presents which had been made to lord Pigot, payment of the tunkahs, which he (Mr. Benfield) had received from the nabob upon the country; and that the rajah should only write such letters to the Madras government as Mr. Benfield should approve, and give to him: the rajah answered, that he did not acknowledge the validity of any demands made by the nabob upon the country; that those tunkahs related to accounts which he (the rajah) had no concern with; that he never had given lord Pigot any presents, but lord Pigot had given him many; and that, as to his correspondence with the Madras government, he would not trouble Mr. Benfield, because he would write his letters himself.—That the rajah told the witness, that by reason of this answer he was much threatened, in consequence of which he desired colonel Harper, who then commanded at Tanjore, to be present at his next interview with Mr. Benfield; when Mr. Benfield denied many parts of the preceding conversation, and threw the blame upon his interpreter Comroo. When Mr. Benfield found (as the rajah informed him) that he could

these points, which had brought him to Tanjore, he to set off for Madras; that the rajah sent him a h he had drawn out, in answer to one which Mr. had brought him; that Mr. Benfield disapproved of er, and returned it by Comroo to the durbar, who iver it into the rajah's hands, but threw it upon the and expressed himself improperly to him.

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points? he said, Yes, he had.—Being asked, Whether the rajah has not been apprized that the company have made stipulations, that their servants should not interfere in the concerns of his government? he said, He signified it to the rajah, that it was the company's positive orders, and that any of their servants so interfering would incur their highest displeasure.

No. 8.

Referred to from p. 476, &c.

Commissioners amended clauses for the Fort St. George despatch, relative to the indeterminate rights and pretensions of the nabob of Arcot, and rajah of Tanjore.

In our letter of the 28th January last, we stated the reasonableness of our expectation that certain contributions towards the expenses of the war, should be made by the rajah of Tanjore. Since writing that letter, we have received one from the rajah, of the 15th of October last, which contains at length his representations of his inability to make such further payment. We think it unnecessary here to discuss whether these representations are or are not exaggerated, because, from the explanations we have given of our wishes for a new arrangement in future, both with the nabob of Arcot, and the rajah of Tanjore, and the directions we have given you to carry that arrangement into execution, we think it impolitic to insist upon any demands upon the rajah for the expenses of the late war, beyond the sum of four lacks of pagodas annually; such a demand might tend to interrupt the harmony which should prevail between the company and the rajah, and impede the great objects of the general system we have already so fully explained to you.

But although it is not our opinion that any further claim should be made on the rajah, for his share of the extraordinary expenses of the late war, it is by no means our intention in any manner to affect the just claim which the nabob has on the rajah for the arrears due to him on account of peshcush,

for the regular payment of which we became guarantee by the treaty of 1762; but we have already expressed to you our hopes that the nabob may be induced to allow these arrears and the growing payments, when due, to be received by the company, and carried in discharge of his debt to us. You are at the same time to use every means to convince him, that when this debt shall be discharged, it is our intention, as we are bound by the above treaty, to exert ourselves to the utmost of our power to insure the constant and regular payment of it into his own hands.

We observe, by the plan sent to us by our governor of Fort St. George, on the 30th October, 1781, that an arrangement is there proposed, for the receipt of those arrears from the rajah, in three years.

We are unable to decide how far this proposal may be consistent with the present state of the rajah's resources; but we direct you to use all proper means to bring these arrears to account as soon as possible, consistently with a due attention to this consideration.

CLAUSES H.

You will observe, that by the 38th section of the late act of parliament, it is enacted, that for settling upon a permanent foundation, the present indeterminate rights of the nabob of Arcot and the rajah of Tanjore, with respect to each other, we should take into our immediate consideration the said indeterminate rights and pretensions, and take and pursue such measures as in our judgment and discretion shall be best calculated to ascertain and settle the same according to the principles, and the terms and stipulations contained in the treaty of 1762, between the said nabob and the said rajah.

On a retrospect of the proceedings transmitted to us from your presidency, on the subject of the disputes which have heretofore arisen between the nabob and the rajah, we find the following points remain unadjusted, viz.

1st. Whether the jaghire of Arnee shall be enjoyed by the nabob, or delivered up either to the rajah, or the descendants of Tremaul Row, the late jaghiredar.

2d. Whether the fort and district of Hanamantagoody, which is admitted by both parties to be within the Marawar, ought to be possessed by the nabob, or to be delivered up by him to the rajah.

3d. To whom the government share of the crop of the Tanjore country, of the year 1775–6, properly belongs.

Lastly, Whether the rajah has a right, by usage and custom, or ought, from the necessity of the case, to be permitted to repair such part of the Anicut, or dam and banks of the Cavery as lie within the district of Trichinopoly, and to take earth and sand in the Trichinopoly territory, for the repairs of the dam and banks within either or both of those districts.

In order to obtain a complete knowledge of the facts and circumstances relative to the several points in dispute, and how far they are connected with the treaty of 1762, we have with great circumspection examined into all the materials before us on these subjects, and will proceed to state to you the result of our inquiries and deliberations.

The objects of the treaty of 1762 appear to be restricted to the arrears of tribute to be paid to the nabob for his past claims, and to the quantum of the rajah's future tribute or peshcush; the canceling of a certain bond given by the rajah's father to the father of the nabob; the confirmation to the rajah of the districts of Coveladdy and Elangaud, and the restoration of Tremaul Row to his jaghire of Arnee, in condescension to the rajah's request, upon certain stipulations, viz. That the fort of Arnee and Doby Gudy should be retained by the nabob; that Tremaul Row should not erect any fortress, walled pagoda, or other strong hold, nor any wall round his dwelling house, exceeding eight feet high, or two feet thick; and should in all things behave himself with due obedience to the government; and that he should pay yearly, in the month of July, unto the nabob or his successors, the sum of ten thousand rupees, the rajah thereby becoming the security for Tremaul Row, that he should in all things demean and behave himself accordingly, and pay yearly the stipulated sum.

Upon a review of this treaty, the only point now in dispute, which appears to us to be so immediately connected with it, as to bring it within the strict line of our duty to ascertain and settle, according to the terms and stipulations of the treaty, is that respecting Arnee. For although the other points enumerated may in some respects have a relation to that treaty, yet as they are foreign to the purposes expressed in it, and could not be in the contemplation of the contracting parties at the time of making it, those disputes cannot in our comprehension fall within the line of description of rights and pretensions to be now ascertained and settled by us, according to any of the terms and stipulations of it.

In respect to the jaghire of Arnee, we do not find that our records afford us any satisfactory information by what title the rajah claims it, or what degree of relationship or connection has subsisted between the rajah and the killidar of Arnee, save only that by the treaty of 1762 the former became the surety for Tremaul Row's performance of his engagements specified therein, as the conditions for his restoration to that jaghire; on the death of Tremaul Row we perceive that he was succeeded by his widow, and after her death, by his grandson Seneewasarow, both of whom were admitted to the jaghire by the nabob.

From your minutes of consultation of the 31st October, 1770, and the nabob's letter to the president, of the 21st March, 1771, and the two letters from rajah Beerbur, Atchenur Punt (who, we presume, was then the nabob's manager at Arcot,) of the 16th and 18th March, referred to in the nabob's letter, and transmitted therewith to the president, we observe that, previous to the treaty of 1762, Mr. Pigot concurred in the expediency of the nabob's taking possession of this jaghire, on account of the troublesome and refractory behavior of the Arnee brahmines, by their affording protection to all disturbers; who, by reason of the little distance between Arnee and Arcot, fled to the former, and were there protected, and not given up, though demanded.

That though the jaghire was restored in 1762, it was done

under such conditions and restrictions as were thought best calculated to preserve the peace and good order of the place, and due obedienee to the government.

That nevertheless the braminees (quarreling among themselves) did afterwards, in express violation of the treaty, enlist and assemble many thousand sepoys, and other troops; that they erected gaddies, and other small forts, provided themselves with wall pieces, small guns, and other warlike stores, and raised troubles and disturbances in the neighborhood of the city of Arcot and the forts of Arnee, and Shaw Gaddy; and that finally they imprisoned the hircarrahs of the nabob, sent with his letters and instructions, in pursuance of the advice of your board, to require certain of the braminees to repair to the nabob at Chepauk, and though peremptorily required to repair thither, paid no regard to those, or to any other orders from the circar.

By the 13th article contained in the instructions given by the nabob to Mr. Dupré, as the basis for negotiating the treaty made with the rajah in 1771, the nabob required that the Arnee district should be delivered up to the circar, because the braminees had broken the conditions which they were to have observed. In the answers given by the rajah to these propositions, he says, "I am to give up to the circar the jaghire district of Arnee;" and on the 7th of November, 1771, the rajah, by letter to Seneewasarow, who appears by your consultations and country correspondence to have been the grandson of Tremaul Row, and to have been put in possession of the jaghire at your recommendation (on the death of his grandmother) writes, acquainting him, that he had given the Arnee country then in his (Seneewasarow's) possession, to the nabob, to whose aumildars Seneewasarow was to deliver up the possession of the country. And in your letter to us of the 28th February, 1772, you certified the district of Arnee to be one of the countries acquired by this treaty, and to be of the estimated value of two lacks of rupees per annum.

In our orders, dated the 12th April, 1775, we declared our

determination to replace the rajah upon the throne of his ancestors, upon certain terms and conditions, to be agreed upon for the mutual benefit of himself and the company, without infringing the rights of the nabob. We declared, that our faith stood pledged by the treaty of 1762, to obtain payment of the rajah's tribute to the nabob; and that for the ensuring such payment the fort of Tanjore should be garrisoned by our troops. We directed that you should pay no regard to the article of the treaty of 1771, which respected the alienation of part of the rajah's dominions; and we declared, that if the nabob had not a just title to those territories before the conclusion of the treaty, we denied that he obtained any right thereby, except such temporary sovereignty, for securing the payment of his expenses, as is therein mentioned.

These instructions appear to have been executed in the month of April, 1776; and by your letter of the 14th May following, you certified to us, that the rajah had been put into the possession of the whole country his father held in 1762, when the treaty was concluded with the nabob; but we do not find that you came to any resolution either antecedent or subsequent to this advice, either for questioning or impeaching the right of the nabob to the sovereignty of Arnee, or expressive of any doubt of his title to it. Nevertheless we find, that although the board passed no such resolution, yet your president, in his letter to the nabob, of the 30th July, and 24th August, called upon his highness to give up the possession of Arnee to the rajah; and the rajah himself, in several letters to us, particularly in those of 21st October, 1776, and the 7th of June, 1777, expressed his expectation of our orders for delivering up that fort and district to him; and so recently as the 15th of October, 1783, he reminds us of his former application, and states, that the country of Arnee being guaranteed to him by the company, it of course is his right; but that it has not been given up to him, and he therefore earnestly entreats our orders for putting him into the possession of it. We also observe by your

letter of the 14th of October, 1779, that the rajah had not then accounted for the nabob's peshcush since his restoration, but had assigned as a reason for his withdrawing it, that the nabob had retained from him the district of Arnee, with a certain other district (Hanamantagoody) which is made the subject of another part of our present despatches.

We have thus stated to you the result of our inquiry into the grounds of the dispute relative to Arnee; and as the research has offered no evidence in support of the rajah's claim, nor even any lights whereby we can discover in what degree of relationship, by consanguinity, cast, or other circumstances, the rajah now stands, or formerly stood, with the killidar of Arnee, or the nature of his connection with, or command over, that district, or the authority he exercised or assumed previous to the treaty of 1771, we should think ourselves highly reprehensible in complying with the rajah's request; and the more so, as it is expressly stated, in the treaty of 1762, that this fort and district were then in the possession of the nabob, as well as the person of the jaghiredar, on account of his disobedience, and were restored him by the nabob, in condescension to the rajah's request, upon such terms and stipulations as could not, in our judgment, have been imposed by the one, or submitted to by the other, if the sovereignty of the one, or the dependency of the other, had been at that time a matter of doubt.

Although these materials have not furnished us with evidence in support of the rajah's claim, they are far from satisfactory, to evince the justice of, or the political necessity for, the nabob's continuing to withhold the jaghire from the descendants of Tremaul Row; (his rereditary right to that jaghire seems to us to have been fully recognised by the stipulations of the treaty of 1762, and so little doubted, that on his death, his widow was admitted by the nabob to hold it, on account, as may be presumed, of the nonage of his grandson and heir, Seneewasarow, who appears to have been confirmed in the jaghire, on her death, by the nabob, as the lineal heir and successor to his grandfather.

With respect to Seneewasarow, it does not appear, by any of the proceedings in our possession, that he was concerned in the misconduct of the brahminees, complained of by the nabob in the year 1770, which rendered it necessary for his highness to take the jaghire into his own hands, or that he was privy, to, or could have prevented those disturbances.

We therefore direct, that if the heir of Tremaul Row is not at present in possession of the jaghire, and has not, by any violation of the treaty, or act of disobedience, incurred a forfeiture thereof, he be forthwith restored to the possession of it, according to the terms and stipulations of the treaty of 1762. But if any powerful motive of regard to the peace and tranquillity of the Carnatic shall in your judgment render it expedient to suspend the execution of these orders, in that case you are with all convenient speed to transmit to us your proceedings thereupon, with the full state of the facts, and of the reasons which have actuated your conduct.

We have before given it as our opinion that the stipulations of the treaty of 1762 do not apply to the points remaining to be decided. But the late act of parliament having, from the nature of our connection with the two powers in the Carnatic, pointed out the expediency, and even necessity, of settling the several matters in dispute between them, by a speedy and permanent arrangement, we now proceed to give you our instructions upon the several other heads of disputes before enumerated.

With respect to the fort and district of Hanamantagoody, we observe that on the restoration of the rajah in 1776, you informed us in your letter of the 14th of May—"That the rajah had been put into possession of the whole of the country his father held in 1762 when the treaty was concluded with the nabob;" and on the 25th of June you came to the resolution of putting the rajah into possession of Hanamantagoody, on the ground of its appearing on reference to the nabob's instructions to Mr. Dupré in June 1762, to his reply, and to the rajah's representations of 25th March, 1771; that Hanamantagoody was actually in the hands of the late rajah

at the time of making the treaty of 1762. We have referred as well to those papers as to all the other proceedings on this subject, and must confess they fall very short of demonstrating to us the truth of that fact. And we find, by the secret consultations of Fort William, of the 7th of August, 1776, that the same doubt was entertained by our governor general and council.

But whether, in point of fact, the late rajah was or was not in possession of Hanamantagoody, in 1762, it is notorious that the nabob had always claimed the dominion of the countries of which this fort and district are a part.

We observe, that the nabob is now in the actual possession of this fort and district; and we are not warranted, by any document we have seen, to concur with the wishes of the rajah to dispossess him.

With regard to the government share of the crop of 1775–6, we observe by the dobeer's memorandum, recited in your consultations of the 13th of May, 1776, that it was the established custom of the Tanjore country to gather in the harvest, and complete the collections within the month of March; but that, for the causes therein particularly stated, the harvest (and of course the collection of the government share of the crop) was delayed till the month of March was over. We also observe, that the rajah was not restored to his kingdom until the 11th of April, 1776; and from hence we infer, that if the harvest and collection had been finished at the usual time, the nabob (being then sovereign of the country) would have received the full benefit of that year's crop.

Although the harvest and collection were delayed beyond the usual time, yet we find by the proceedings of your government, and particularly by Mr. Mackay's minute of the 29th of May, 1776, and also by the dobeer's account, that the greatest part of the grain was cut down whilst the nabob remained in the government of the country.

It is difficult, from the contradictory allegations on the subject, to ascertain what was the precise amount of the collections made after the nabob ceased to have the possession of

the country. But whatever it was, it appears from general Stuart's letter of the 2d of April, 1777, that it had been asserted with good authority, that the far greater part of the government share of the crop was plundered by individuals, and never came to account in the rajah's treasury.

Under all the circumstances of this case, we must be of opinion, that the government share of the crop of 1776 belonged to the nabob, as the then reigning sovereign of the kingdom of Tanjore, he being *de facto*, in the full and absolute possession of the government thereof, and consequently that the assignments made by him of the government share of the crop were valid.

Nevertheless, we would by no means be understood by this opinion to suggest, that any further demands ought to be made upon the rajah, in respect of such parts of the government share of the crop as were collected by his people.

For, on the contrary, after so great a length of time as hath elapsed, we should think it highly unjust that the rajah should be now compelled, either to pay the supposed balances, whatever they may be, or be called upon to render a specific account of the collection made by his people.

The rajah has already, in his letter to governor Stratton, of the 21st of April, 1777, given his assurance, that the produce of the preceding year, accounted for to him, was little more than one lack of pagodas; and as you have acquainted us, by your letter of the 14th of October, 1779, that the rajah has actually paid into our treasury one lack of pagodas, by way of deposit, on account of the nabob's claims to the crop, till our sentiments should be known, we direct you to surcease any further demands from the rajah on that account.

We learn by the proceedings, and particularly by the nabob's letter to lord Pigot, of the 6th of July, 1776, that the nabob, previous to the restoration of the rajah, actually made assignments, or granted tunkaws of the whole of his share of the crop to his creditors and troops; and that your government (entertaining the same opinion as we do upon the question of right to that share) by letter to the rajah of the 20th of August,

1776, recommended to him "to restore to Mr. Benfield (one of the principal assignees or tunkaw-holders of the nabob) the grain of the last year, which was in the possession of his people, and said to be forcibly taken from them; and further, to give Mr. Benfield all reasonable assistance in recovering such debts as should appear to have been justly due to him from the inhabitants; and acquainted the rajah, that it had been judged by a majority of the council, that it was the company's intention to let the nabob have the produce of the crop of 1776, but that you had no intention that the rajah should be accountable for more than the government share, whatever that might be; and that you did not mean to do more than recommend to him to see justice done, leaving the manner and time to himself." Subsequent representations appear to have been made to the rajah by your government on the same subject, in favor of the nabob's mortgages.

In answer to these applications, the rajah, in his letter to Mr. Stratton, of the 12th of January, 1777, acquainted you, "that he had given orders respecting the grain which Mr. Benfield had heaped up in his country; and with regard to the money due to him by the farmers, that he had desired Mr. Benfield to bring accounts of it, that he might limit a time for the payment of it, proportionably to their ability, and that the necessary orders for stopping this money out of the inhabitants' share of the crop, had been sent to the ryots and aumildars; that Mr. Benfield's gomastah was then present there, and oversaw his affairs; and that in every thing that was just he (the rajah) willingly obeyed our governor and council."

Our opinion being, that the rajah ought to be answerable for no more than the amount of what he admits was collected by his people for the government share of the crop; and the proceedings before us not sufficiently explaining whether, in the sum which the rajah, by his before-mentioned letter of the 21st April, 1777, admits to have collected, are included those parts of the government share of the crop which were taken by his people from Mr. Benfield, or from any other of the assignees, or tunkaw-holders; and uninformed as we also are,

what compensation the rajah has or has not made to Mr. Benfield, or any other of the parties from whom the grain was taken by the rajah's people; or whether, by means of the rajah's refusal so to do, or from any other circumstance, any of the persons dispossessed of their grain, may have had recourse to the nabob for satisfaction; we are, for these reasons, incompetent to form a proper judgment what disposition ought in justice to be made of the one lack of pagodas deposited by the rajah. But as our sentiments and intentions are so fully expressed upon the whole subject, we presume you, who are upon the spot, can have no doubt or difficulty in making such an application of the deposit as will be consistent with those principles of justice whereon our sentiments are founded. But should any such difficulty suggest itself, you will suspend any application of the deposit, until you have fully explained the same to us, and have received our further orders.

With respect to the repairs of the Anicut and banks of the Cavery, we have upon various occasions fully expressed to you our sentiments, and in particular, in our general letter of the 4th July, 1777, we referred you to the investigation and correspondence on that subject of the year 1764, and to the report made by Mr. James Bourchier, on his personal survey of the waters, and to several letters of the year 1765 and 1767; we also, by our said general letter, acquainted you, that it appeared to us perfectly reasonable that the rajah should be permitted to repair those banks, and the Anicut, in the same manner as had been practised in times past; and we directed you to establish such regulations, by reference to former usage, for keeping the said banks in repair, as would be effectual, and remove all cause of complaint in future.

Notwithstanding such our instructions, the rajah, in his letter to us of the 15th October, 1783, complains of the destruction of the Anicut; and as the cultivation of the Tanjore country appears, by all the surveys and reports of our engineers employed on that service, to depend altogether on a supply of water by the Cavery which can only be secured by keeping the Anicut and banks in repair, we think it necessary

to repeat to you our orders of the 4th July, 1777, on the subject of those repairs.

And further, as it appears, by the survey and report of Mr. Pringle, that those repairs are attended with a much heavier expense when done with materials taken from the Tanjore district, than with those of Trichinopoly, and that the last mentioned materials are far preferable to the other, it is our order, that if any occurrences should make it necessary or expedient, you apply to the nabob in our name, to desire that his highness will permit proper spots of ground to be set out, and bounded by proper marks on the Trichinopoly side, where the rajah and his people may at all times take sand and earth sufficient for these repairs; and that his highness will grant his lease of such spots of land for a certain term of years to the company, at a reasonable annual rent, to the intent that through you the cultivation of the Tanjore country may be secured, without infringing or impairing the rights of the nabob.

If any attempts have been, or shall be hereafter made to divert the water from the Cavery into the Coleroon, by contracting the current of the Upper or Lower Cavery, by planting long grass, as mentioned in Mr. Pringle's report, or by any other means, we have no doubt his highness, on a proper representation to him in our name, will prevent his people from taking any measures detrimental to the Tanjore country, in the prosperity of which his highness, as well as the company, is materially interested.

Should you succeed in reconciling the nabob to this measure, we think it but just, that the proposed lease shall remain no longer in force than whilst the rajah shall be punctual in the payment of the annual peshcush to the nabob, as well as the rent to be reserved for the spots of ground. And in order effectually to remove all future occasions of jealousy and complaint between the parties, that the rajah on the one hand may be satisfied that all necessary works for the cultivation of his country will be made and kept in repair; and that nabob on the other hand may be satisfied that no encroachment on his

rights can be made, nor any works detrimental to the fertility of his country erected; we think it proper that it should be recommended to the parties, as a part of the adjustment of this very important point, that skilful engineers, appointed by the company, be employed at the rajah's expense to conduct all the necessary works, with the strictest attention to the respective rights and interests of both parties. This will remove every probability of injury or dispute; but should either party unexpectedly conceive themselves to be injured, immediate redress might be obtained by application to the government of Madras, under whose appointment the engineer will act, without any discussion between the parties, which might disturb that harmony which it is so much the wish of the company to establish and preserve, as essential to the prosperity and peace of the Carnatic.

Having now, in obedience to the directions of the act of parliament, upon the fullest consideration of the indeterminate rights and pretensions of the nabob and rajah, pointed out such measures and arrangements as in our judgment and discretion will be best calculated to ascertain and settle the same, we hope, that upon a candid consideration of the whole system, although each of the parties may feel disappointed in our decision on particular points, they will be convinced that we have been guided in our investigation by principles of strict justice and impartiality, and that the most anxious attention has been paid to the substantial interests of both parties, and such a general and comprehensive plan of arrangements proposed, as will most effectually prevent all future dissatisfaction.

Approved by the board.

HENRY DUNDAS,
WALSINGHAM,
W. W. GRENVILLE,
MULGRAVE.

Whitehall, October 27, 1784.

No. 9.

Referred to from p. 469, and 474.

Extract of a letter from the Court of Directors, to the President and Council of Fort St. George, as amended and approved by the Board of Control.

We have taken into our consideration the several advices and papers received from India, relative to the assignment of the revenues of the Carnatic, from the conclusion of the Bengal treaty to the date of your letter in October 1783, together with the representations of the nabob of the Carnatic upon that subject; and although we might contend, that the agreement should subsist till we are fully reimbursed his highness's proportion of the expenses of the war, yet from a principle of moderation and personal attachment to our old ally, his highness the nabob of the Carnatic, for whose dignity and happiness we are ever solicitous, and to cement more strongly, if possible, that mutual harmony and confidence which our connection makes so essentially necessary for our reciprocal safety and welfare, *and for removing from his mind every idea of secret design on our part to lessen his authority over the internal government of the Carnatic*, and the collection and administration of its revenues, we have resolved that the assignment shall be surrendered; and we do accordingly direct our president, in whose name the assignment was taken, *without delay*, to surrender the same to his highness. But while we have adopted this resolution, we repose entire confidence in his highness, that, actuated by the same motives of liberality, and feelings of old friendship and alliance, he will cheerfully and instantly accede to such arrangements as are necessary to be adopted for our common safety, and for preserving the respect, rights, and interests we enjoy in the Carnatic. The following are the heads and principles of such an arrangement as we are decisively of opinion must be adopted for these purposes, viz.

That for making a provision for discharging the nabob's just debts to the company and individuals (for the payment of

which his highness has so frequently expressed the greatest solicitude) the *nabob shall give soucar security for the punctual payment, by instalments*, into the company's treasury, of twelve lacks of pagodas per annum (as voluntarily proposed by his highness) until those debts, with interest, shall be discharged; and shall also consent that the equitable provision lately made by the British legislature for the liquidation of those debts, *and such resolutions and determinations* as we shall *hereafter make*, under the authority of that provision for the liquidation and adjustment of the said debts, *bonâ fide* incurred, shall be carried into full force and effect.

Should any difficulty arise between his highness and our government of Fort St. George, in respect to the *responsibility of the soucar security*, or the times and terms of the instalments, it is our pleasure that you pay obedience to the orders and resolutions of our governor general and council of Bengal in respect thereto, not doubting but the nabob will in such case consent to abide by the determination of our said supreme government.

Although, from the great confidence we repose in the honor and integrity of the nabob, and from an earnest desire not to subject him to any embarrassment on this occasion, we have not proposed any specific assignment of territory or revenue for securing the payments aforesaid, we nevertheless think it our duty, as well to the private creditors, whose interests in this respect have been so solemnly entrusted to us by the late act of parliament, as from regard to the debt due to the company, to insist on a declaration, that in the event of the failure of the security proposed, or in default of payment at the stipulated periods, we reserve to ourselves full right to demand of the nabob such *additional security*, by assignment on his country, as shall be effectual for answering the purposes of the agreement.

After having conciliated the mind of the nabob to this measure, and adjusted the particulars, you are to carry the same into execution by a formal deed between his highness and the company, according to the tenor of these instructions.

As the administration of the British interests and connections in India has in some respects assumed a new shape by the late act of parliament, and a general peace in India has been happily accomplished, the present appears to us to be the proper period, and which cannot without great imprudence be omitted, to settle and arrange, by a just and equitable treaty, a plan for the future defence and protection of the Carnatic, both in time of peace and war, on a solid and lasting foundation.

For the accomplishment of this great and necessary object, we direct you, in the name of the company, to use your utmost endeavors to impress the expediency of, and the good effects to be derived from this measure, so strongly upon the minds of the nabob and the rajah of Tanjore, as to prevail upon them, jointly or separately, to enter into one or more treaty or treaties with the company, grounded on this principle of equity, That all the contracting parties shall be bound to contribute jointly to the support of the military force and garrisons, as well in peace as in war.

That the military peace establishment shall be forthwith settled and adjusted by the company, in pursuance of the authority and directions given to them by the late act of parliament.

As the payment of the troops and garrisons, occasional expenses in the repairs and improvements of fortifications, and other services incidental to a military establishment, must of necessity be punctual and accurate, no latitude of personal assurance or reciprocal confidence of either of the parties on the other, must be accepted or required; but the nabob and rajah must of necessity specify particular districts and revenues for securing the due and regular payment of their contributions into the treasury of the company, with whom the charge of the defence of the coast, and of course the power of the sword, must be exclusively entrusted, with power for the company, in case of failure or default of such payments, at the stipulated times and seasons, to enter upon and possess such districts, and to let the same to renters, to be confirmed

by the nabob and the rajah respectively; but trusting that in the execution of this part of the arrangement no undue obstruction will be given by either of those powers, we direct, that this part of the treaty be coupled with a most positive assurance, on our part, of our determination to support the dignity and authority of the nabob and rajah, in the exclusive administration of the civil government and revenues of their respective countries; and further, that in case of *any* hostility committed against the territories of either of the contracting parties, on the coast of Coromandel, the whole revenues of their respective territories shall be considered as one common stock, to be appropriated in the common cause of their defence—That the company on their part shall engage to refrain, *during the war*, from the application of any part of their revenues to any commercial purposes whatsoever, but apply the whole, save only the ordinary charges of their civil government, to the purposes of the war—That the nabob and the rajah shall in like manner engage on their parts to refrain, during the war, from the application of any part of their revenues, save only what shall be actually necessary for the support of themselves, and the civil government of their respective countries, to any other purposes than that of defraying the expenses of such military operations as the company may find it necessary to carry on for the common safety of their interests on the coast of Coromandel.

And to obviate any difficulties or misunderstanding which might arise from leaving indeterminate the sum necessary to be appropriated for the civil establishment of each of the respective powers, that the sum be now ascertained which is indispensably necessary to be applied to those purposes, and which is to be held sacred under every emergency, and set apart previous to the application of the rest of the revenues, as hereby stipulated, for the purposes of mutual or common defence against any enemy, for *clearing* the incumbrance which may have become necessarily incurred in addition to the expenditure of those revenues *which must be always deemed*

part of the war establishment. This we think absolutely necessary, as nothing can tend so much to the preservation of peace, and to prevent the renewal of hostilities, as the early putting the finances of the several powers upon a clear footing; and the shewing to all other powers, that the company, the nabob, and the rajah, are firmly united in one common cause, and combined in one system of permanent and vigorous defence, for the preservation of their respective territories, and the general tranquillity.

That the whole aggregate revenue of the contracting parties shall, during the war, be under the application of the company, and shall continue as long after the war *as shall be necessary, to discharge the burthens contracted by it;* but it must be declared, that this provision shall in no respect extend to deprive either the nabob or the rajah of the substantial authority necessary to the collection of the revenues of their respective countries. But it is meant that they shall faithfully perform the conditions of this arrangement; and if a division of any part of the revenues, to any other than the stipulated purposes, shall take place, the company shall be entitled to take upon themselves the collection of the revenue.

The company are to engage, during the time they shall administer the revenues, to produce to the other contracting parties regular accounts of the application thereof to the purposes stipulated by the treaty, and faithfully apply them in support of the war.

And lastly, as the defence of the Carnatic is thus to rest with the company, the nabob shall be satisfied of the propriety of avoiding all unnecessary expense, and will therefore agree not to maintain a greater number of troops than shall be necessary for the support of his dignity, and the splendor of the durbar, which number shall be specified in the treaty; and if any military aid is requisite for the security and collection of his revenues, other than the fixed establishment employed to enforce the ordinary collections, and preserve the police of the country, the company must be bound to furnish him with such aid: the rajah of Tanjore must like-

wise become bound by similar engagements, and be entitled to similar aid.

As, in virtue of the powers vested in lord Macartney, by the agreement of December, 1781, sundry leases of various periods, have been granted to renters, we direct, that you apply to the nabob, in our name, for his consent, that they may be *permitted* to hold their leases to the end of the stipulated term; and we have great reliance* on the liberality and spirit of accommodation manifested by the nabob on so many occasions, that he will be disposed to acquiesce in a proposition so *just and reasonable;* but if, contrary to our expectations, his highness should be impressed with any particular aversion to comply with this proposition, we do not desire you to insist upon it as an essential part of the arrangement to take place between us; but in that event you must take especial care to give such indemnification to the renters for any loss they may sustain, as you judge to be reasonable.

It equally concerns the honor of our government, that such natives as may have been put in any degree of authority over the collections, in consequence of the deed of assignment, and who have proved faithful to their trust, shall not suffer inconvenience on account of their fidelity.

Having thus given our sentiments at large, as well for the surrender of the assignment, as with regard to those arrangements which we think necessary to adopt in consequence thereof, we cannot dismiss this subject without expressing our highest approbation of the *ability, moderation, and command of temper*, with which our president at Madras has conducted himself in the management of a very delicate and embarrassing situation. His conduct, and that of the select committee of Fort St. George, in the execution of the trust delegated to lord Macartney, by the nabob Mahomed Ally, has been vigorous and effectual, for the purpose of realizing as great a revenue, at a crisis of necessity, as the nature of the case admitted;

* For the ground of this "great reliance," see the papers in this Appendix, No. 5; as also the nabob's letters to the court of directors, in this Appendix, No. 10.

and the imputation of corruption, suggested in some of the proceedings, appears to be totally groundless and unwarranted.

While we find so much to applaud, it is with regret we are induced to advert to any thing which may appear worthy of blame, as the step of issuing the Torana Chits in lord Macartney's own name can only be justified upon the ground of absolute necessity;* and as his lordship had every reason to believe that the demand, when made, would be irksome and disagreeable to the feelings of Mahomed Ally, every precaution ought to have been used, and more time allowed, for proving that necessity, by previous acts of address, civility, and conciliation, applied for the purposes of obtaining his authority to such a measure. It appears to us, that more of this might have been used; and therefore we cannot consider the omission of it as blameless, consistent with our wishes of sanctifying no act contrary to the spirit of the agreement, or derogatory to the authority of the nabob of the Carnatic, in the exercise of any of his just rights, in the government of the people under his authority.

We likewise observe, the nabob has complained that no official communication was made to him of the peace, for near a month after the cessation of arms took place. This, and every other mark of disrespect to the nabob, will ever appear highly reprehensible in our eyes; and we direct that you do, upon all occasions, pay the highest attention to him and his family.

* For the full proof of this necessity, lord Macartney's whole correspondence on the subject may be referred to. Without the act here condemned, not one of the acts commended in the preceding paragraph could be performed. By referring to the nabob's letters in this Appendix, it will be seen what sort of task a governor has on his hands, who is to use, according to the direction of this lettter, "acts of address, civility, and conciliation, and to pay, upon *all* occasions, the *highest attention*" to persons, who at the very time are falsely, and in the grossest terms, accusing him of peculation, corruption, treason, and every species of malversation in office. The recommendation, under menaces of such behavior, and under such circumstances, conveys a lesson, the tendency of which cannot be misunderstood.

Lord Macartney, in his minute of the 9th of September last, has been fully under our consideration: we shall ever applaud the prudence and foresight of our servants, which induces them to collect and communicate to us, every opinion, or even ground of suspicion, they may entertain, relative to any of the powers in India, with whose conduct our interest, and the safety of our settlements, is essentially connected. At the same time we earnestly recommend, that those opinions and speculations be communicated to us with prudence, discretion, and all possible secrecy; *and the terms in which they are conveyed be expressed in a manner as little offensive as possible to the powers whom they may concern, and into whose hands they may fall.**

We next proceed to give you our sentiments respecting the private debts of the nabob; *and we cannot but acknowledge*, that the origin and justice, both of the loan of 1767, and the loan of 1777, commonly called the cavalry loan, appear to us clear and indisputable, agreeable to the true sense and spirit of the late act of parliament.

In speaking of the loan of 1767, we are to be understood as speaking of the debt as constituted by the original bonds of that year, bearing interest at £10 per cent.; and therefore, if any of the nabob's creditors, under a pretence that their debts made part of the consolidated debt of 1767, although secured by bonds of a subsequent date, carrying an interest exceeding £10 per cent., shall claim the benefit of the following orders, we direct that you pay no regard to such claims, without further special instructions for that purpose.

*The delicacy here recommended in the *expressions* concerning conduct "with which the safety of our settlements is essentially connected," is a lesson of the same nature with the former. Dangerous designs, if truly such, ought to be expressed according to their nature and qualities; and as for the *secrecy* recommended concerning the designs here alluded to, nothing can be more absurd, as they appear very fully and directly in the papers published by the authority of the court of directors in 1775, and may be easily discerned from the propositions for the Bengal treaty, published in the Reports of the Committee of Secrecy, and in the Reports of the Select Committee. The keeping of such secrets too long has been one cause of the Carnatic war, and of the ruin of our affairs in India.

With respect to the consolidated debt of 1777, it certainly stands upon a less favorable footing. So early as the 27th March, 1769, it was ordered by our then president and council of Fort St. George, that for the preventing all persons living under the company's protection from having any dealings with any of the country powers, or their ministers, without the knowledge or consent of the board, an advertisement should be published, by fixing it up at the sea-gate, and sending round a copy to the company's servants and inhabitants, and to the different subordinates, and our garrisons, and giving it out in general orders; stating therein, that the president and council did consider the irreversible order of the court of directors of the year 1714 (whereby their people were prohibited from having any dealings with the country governments in money matters) to be in full force and vigor; and thereby expressly forbidding all servants of the company, and other Europeans under their jurisdiction, to make loans, or have any money transactions with any of the princes or states in India, without special license and permission of the president and council for the time being, except only in the particular cases there mentioned; and declaring, that any wilful deviation therefrom should be deemed a breach of orders, and treated as such. And on the 4th of March, 1778, it was resolved by our president and council of Fort St. George, that the consolidated debt of 1777 was not, on any respect whatever, conducted under the auspices or protection of that government; and on the circumstance of the consolidation of the said debt being made known to us, we did, on the 23d of December, 1778, write to you in the following terms: "Your account of the nabob's private debts is very alarming; but from whatever cause or causes those debts have been contracted or increased, we hereby repeat our orders, that the sanction of the company be on no account given to any kind of security for the payment or liquidation of any part thereof (except by the express authority of the court of directors) on any account or pretence whatever."

The loan of 1777, therefore, has no sanction or authority from us; and in considering the situation and circumstances of this loan, we cannot omit to observe, that the creditors could not be ignorant how greatly the affairs of the nabob were at that time deranged, and that his debt to the company was then very considerable; the payment of which the parties took the most effectual means to postpone, by procuring an assignment of such specific revenues, for the discharge of their own debts, as alone could have enabled the nabob to have discharged that of the company.

Under all these circumstances, we should be warranted to refuse our aid or protection in the recovery of this loan; but when we consider the inexpediency of keeping the subject of the nabob's debts longer afloat than is absolutely necessary; when we consider how much the final conclusion of this business will tend to promote tranquillity, credit, and circulation of property in the Carnatic; and when we consider that the debtor concurs with the creditor in establishing the justice of those debts consolidated in 1777 into gross sums, for which bonds were given, liable to be transferred to persons different from the original creditors, and having no share nor knowledge of the transactions in which the debts originated, and of course how little ground there is to expect any substantial good to result from an unlimited investigation into them, we have resolved so far to recognise the justice of those debts, as to extend to them that protection which, upon *more* forcible grounds, we have seen cause to allow to the other two classes of debts. But, although we so far adopt the general presumption in their favor, as to admit them to a participation in the manner hereafter directed, we do not mean to debar you from receiving any complaints against those debts of 1777, at the instance either of the nabob himself, or of other creditors injured by their being so admitted, or by any other persons having a proper interest, or stating reasonable grounds of objection; and if any complaints are offered, we order that the grounds of all such be attentively examined by you, and be transmitted to us, together with the evidence adduced in

support of them, for our final decision; and as we have before directed, that the sum of twelve lacks of pagodas, to be received annually from the nabob, should be paid into our treasury, it is our order that the same be distributed according to the following arrangement.

That the debt be made up in the following manner, viz.

The debt consolidated in 1767 to be made up to the end of the year 1784, with the current interest at ten per cent.

The cavalry loan to be made up to the same period, with the current interest at twelve per cent.

The debt consolidated in 1777 to be made up to the same period, with the current interest at twelve per cent. to November, 1781, and from thence with the current interest at six per cent.

The twelve lacks annually to be received, are then to be applied,

1. To the growing interest on the cavalry loan, at twelve per cent.

2. To the growing interest on the debt of 1777, at six per cent.

The remainder to be equally divided; one half to be applied to the extinction of the company's debt, the other half to be applied to the payment of growing interest at £10 per cent. and towards the discharge of the principal of the debt of 1767.

This arrangement to continue till the principal of the debt 1767 is discharged.

The application of the twelve lacks is then to be,

1. To the interest of the debt 1777, as above. The remainder to be then equally divided; one half towards the discharge of the current interest and principal of the cavalry loan, and the other half towards the discharge of the company's debt.

When the cavalry loan shall be thus discharged, there shall then be paid, towards the discharge of the company's debt, seven lacks.

To the growing interest and capital of the 1777 loan, five lacks.

[redacted] company's debt shall be discharged, the whole is [redacted] to be applied in discharge of the debt 1777.

If the nabob shall be prevailed upon to apply the arrears and growing payments of the Tanjore peshcush in further discharge of his debts, over and above the twelve lacks of pagodas, we direct that the whole of that payment, when made, shall be applied towards the reduction of the company's debt.

We have laid down these general rules of distribution, as appearing to us founded on justice, and the relative circumstances of the different debts; and therefore we give our assistance and protection to them only on the supposition that those who ask our protection acquiesce in the condition upon which it is given; and therefore we expressly order, that if any creditor of the nabob, a servant of the company, or being under our protection, shall refuse to express his acquiescence in these arrangements, he shall not only be excluded from receiving any share of the fund under your distribution, but shall be restricted from taking any separate measures to recover his debt from the nabob, it being one great inducement to our adopting this arrangement, that the nabob shall be relieved from all further disquietude by the importunities of his individual creditors, and be left at liberty to pursue those measures for the prosperity of his country, which the embarrassments of his situation have hitherto deprived him of the means of executing. And we further direct, that if any creditors should be found refractory, or disposed to disturb the arrangements we have suggested, he shall be dismissed the service, and sent home to England.

The directions we have given only apply to the three classes of debts which have come under our observation. It has been surmised, that the nabob has of late contracted [redacted] debts; if any of these are due to British subjects, we forbid any countenance or protection whatever to be given to them, until the debt is fully investigated, the nature of it reported home, and our special instructions upon it received.

We cannot conclude this subject, without adverting in the strongest terms to the prohibitions which have from time to time issued under the authority of different courts of directors against any of our servants, or of those under our protection, having any money transactions with any of the country powers, without the knowledge and previous consent of our respective governments abroad; we are happy to find that the nabob, sensible of the great embarrassments both to his own and the company's affairs, which the enormous amount of their private claims have occasioned, is willing to engage not to incur any new debts with individuals, and we think little difficulty will be found in persuading his highness into a positive stipulation for that purpose; and though the legislature has thus humanely interfered in behalf of such individuals as might otherwise have been reduced to great distress by the past transactions, we hereby, in the most pointed and positive terms, repeat our prohibition upon this subject; and direct that no person, being a servant of the company, or being under our protection, shall, on any pretence whatever, be concerned in any loan or other money transaction with any of the country powers, unless with the knowledge and express permission of our respective governments. And if any of our servants, or others being under our protection, shall be discovered in any respect counteracting these orders, we strictly enjoin you to take the first opportunity of sending them home to England, to be punished as guilty of disobedience of orders, and no protection or assistance of the company shall be given for the recovery of any loans connected with such transactions. Your particular attention to this subject is strictly enjoined; and any connivance on your parts, to a breach of our orders upon it, will incur our highest displeasure.

In order to put an end to those intrigues, which have been so successfully carried on at the nabob's durbar, we repeat our prohibition in the strongest terms respecting any intercourse between British subjects and the nabob and his family, as we are convinced that such an intercourse has been car-

ried on greatly to the detriment and expense of the nabob, and merely to the advantage of individuals. We therefore direct, that all persons who shall offend against the letter and spirit of this necessary order, whether in the company's service, or under their protection, be forthwith sent to England.

Approved by the Board.

HENRY DUNDAS,
WALSINGHAM,
W. W. GRENVILLE,
MULGRAVE.

Whitehall, 15th Oct. 1784.

Extract from the Representation of the Court of Directors of the East India Company.

My Lords and Gentlemen,

IT is with extreme concern that we express a difference of opinion with your right honorable board, in this early exercise of your controlling power; but in so novel an institution, it can scarce be thought extraordinary, if the exact boundaries of our respective functions and duties should not at once, on either side, be precisely and familiarly understood, and therefore confide in your justice and candor for believing that we have no wish to evade or frustrate the salutary purposes of your institution, as we on our part are thoroughly satisfied that you have no wish to encroach on the legal powers of the East India Company: we shall proceed to state our objections to such of the amendments as appear to us to be either insufficient, inexpedient, or unwarranted.

6th. Concerning the private debts of the Nabob of Arcot, and the application of the fund of twelve lacks of pagodas per annum.

Under this head you are pleased, in lieu of our paragraphs, to substantiate at once the justice of all those demands which the act requires us to investigate, subject only to a right reserved to the nabob, or any other party concerned, to question the justice of any debt falling within the last of the three

ubmit, that at least the opportunity of question-
limited time, the justice of any of the debts,
been fully preserved; and supposing the first
asses to stand free from imputation (as we in-
ve they do) no injury can result to individuals
cussion: and we further submit to your consider-
r the express direction of the act to examine the
rigin of the debts has been, by the amended par-
plied with; and whether at least the rate of in-
ding to which the debts arising from soucar as-
the land revenues to the servants of the company,
capacity of native bankers, have been accumu-
not to be inquired into, as well as the reason-
the deduction of 25 per cent. which the Bengal
directed to be made from a great part of the debts
onditions. But to your appropriation of the fund,
quires that we should state our strongest dissent.
o be paid the arrears of those expenses, by which,
ur own ruin, we have preserved the country, and
perty connected with it, from falling a prey to a
nqueror, surely stands paramount to all claims for
bts upon the revenues of a country so preserved,
he legislature had not expressly limited the assistance
iven the private creditors to be such as should be con-
with our own rights. The nabob had, long before
g the act, by treaty with our Bengal government, agreed
y us seven lacks of pagodas, as part of the twelve lacks,
quidation of those arrears, of which seven lacks the ar-
gement you have been pleased to lay down would take
ay from us more than the half, and give it to private cred-
rs, of whose demands there are only about a sixth part
hich do not stand in a predicament that you declare would
ot entitle them to any aid or protection from us in the reco-
very thereof, were it not upon grounds of expediency, as will
more particularly appear by the annexed estimate. Until our
debt shall be discharged, we can by no means consent to give
up any part of the seven lacks to the private creditors; and

we humbly apprehend, that in this declaration we do not exceed the limits of the authority and rights vested in us.

The Right Honorable the Commissioners for the Affairs of India.

The REPRESENTATION *of the Court of Directors of the East India Company.*

My Lords and Gentlemen,

THE court having duly attended to your reasonings and decisions, on the subjects of Arnee and Hanamantagoody, beg leave to observe, with due deference to your judgment, that the directions we had given in these paragraphs, which did not obtain your approbation, still appear to us to have been consistent with justice, and agreeable to the late act of parliament, which pointed out to us, as we apprehended, the treaty of 1762 as our guide. Signed by order of the said court,

THO. MORTON, Sec.

East India House, 3d Nov. 1784.

Extract of a letter from the Commissioners for the affairs of India, to the Court of Directors, dated 3d November, 1784, in answer to their Remonstrance.

SIXTH ARTICLE.

WE think it proper, considering the particular nature of the subject, to state to you the following remarks on that part of your representation which relates to the plan for the discharge of the nabob's debts.

1st. You compute the revenue which the Carnatic may be expected to produce only at twenty lacks of pagodas. If we concurred with you in this opinion, we should certainly feel our hopes of advantage to all the parties from this arrangement considerably diminished. But we trust, that we are not too sanguine on this head, when we place the greatest reliance on the estimate transmitted to you by your president of Fort St. George, having there the best means of information upon the fact, and stating it with a particular view to the subject matter of these paragraphs. Some allowance, we are sensible, must be made for the difference of collection in the nabob's

hands, but we trust not such as to reduce the receipt nearly to what you suppose.

2dly. In making up the amount of the private debts, you take in compound interest at the different rates specified in our paragraph. This it was not our intention to allow; and lest any misconception should arise on the spot, we have added an express direction, that the debts be made up with simple interest only, from the time of their respective consolidation. Clause F f.

3dly. We have also the strongest grounds to believe, that the debts will be, in other respects, considerably less than they are now computed by you; and consequently, the company's annual proportion of the twelve lacks will be larger than it appears on your estimate. But even on your own statement of it, if we add to the £150,000 or 375,000 pagodas (which you take as the annual proportion to be received by the company for five years to the end of 1789) the annual amount of the Tanjore peshcush for the same period, and the arrears on the peshcush (proposed by lord Macartney to be received in three years); the whole will make a sum not falling very short of pagodas 35,00,000, the amount of pagodas 7,00,000 *per annum* for the same period. And if we carry our calculations farther, it will appear that, both by the plan proposed by the nabob, and adopted in your paragraphs, and by that which we transmitted to you, the debt from the nabob, if taken at £3,000,000 will be discharged nearly at the same period, viz. in the course of the eleventh year. We cannot therefore be of opinion that there is the smallest ground for objecting to this arrangement, as injurious to the interests of the company, even if the measure were to be considered on the mere ground of expediency, and with a view only to the wisdom of re-establishing credit and circulation in a commercial settlement, without any consideration of those motives of attention to the feelings and honor of the nabob, of humanity to individuals, and of justice to persons in your service, and living under your protection, which have actuated the legislature, and which afford not only justifiable, but commendable grounds for your conduct.

Impressed with this conviction, we have not made any alteration in the general outlines of the arrangement which we had before transmitted to you. But, as the amount of the nabob's revenue is matter of uncertain conjecture, and as it does not appear just to us, that any deficiency should fall wholly on any one class of these debts, we have added a direction to your government of Fort St. George, that if, notwithstanding the provisions contained in our former paragraphs, any deficiency should arise, the payments of what shall be received shall be made in the same proportion which would have obtained in the division of the whole twelve lacks, had they been paid.

No. 10.

Referred to from p. 488.

[The following extracts are subjoined, to shew the matter and the style of representation employed by those who have obtained that ascendency over the nabob of Arcot, which is described in the letter marked No. 6, of the present Appendix, and which is so totally destructive of the authority and credit of the lawful British government at Madras. The charges made by these persons have been solemnly denied by lord Macartney; and, to judge from the character of the parties accused and accusing, they are probably void of all foundation. But as the letters are in the name and under the signature of a person of great rank and consequence among the natives; as they contain matter of the most serious nature; as they charge the most enormous crimes, and corruptions of the grossest kind, on a British governor; and as they refer to the nabob's minister in Great Britain for proof and further elucidation of matters complained of, common decency, and common policy, demanded an inquiry into their truth or falsehood. The writing is obviously the product of some English pen. If, on inquiry, these charges should be made good (a thing very unlikely) the party accused would become a just object of animadversion. If they should be found (as in all probability they would be found) false and calumnious, and supported by *forgery*, then the censure would fall on the accuser; at the same time the necessity would be manifest for proper measures towards the security of government against such infamous accusations. It is as necessary to protect the honest fame of virtuous governors, as it is to punish the corrupt and tyrannical. But neither the court of

directors nor the board of control have made any inquiry into the truth or falsehood of these charges. They have covered over the accusers and accused with abundance of compliments. They have insinuated some oblique censures; and they have recommended perfect harmony between the chargers of corruption and peculation, and the persons charged with these crimes.]

13th October, 1782. Extract of a translation of a Letter from the nabob of Arcot to the chairman of the Court of Directors of the East India Company.

"Fatally for me, and for the public interest, the company's favor and my unbounded confidence have been lavished on a man totally unfit for the exalted station in which he has been placed, and unworthy of the trusts that have been reposed in him. When I speak of one who has so deeply stabbed my honor, my wounds bleed afresh, and I must be allowed that freedom of expression which the galling reflection of my injuries and my misfortunes naturally draws from me. Shall your servants, unchecked, unrestrained, and unpunished, gratify their private views and ambition, at the expense of my honor, my peace, and my happiness, and to the ruin of my country as well as of all your affairs? No sooner had lord Macartney obtained the favorite object of his ambition, than he betrayed the greatest insolence towards me, the most glaring neglect of the common civilities and attentions paid me by all former governors, in the worst of times, and even by the most inveterate of my enemies. He insulted my servants, endeavored to defame my character by unjustly censuring my administration, and extended his boundless usurpation to the whole government of my dominions, in all the branches of judicature and police; and, in violation of the express articles of the agreements, proceeded to send renters into the countries, unapproved of by me, men of bad character, and unequal to my management or responsibility. Though he is chargeable with the greatest acts of cruelty, even to the shedding the blood and cutting off the noses and ears of my subjects, by those exercising his authority in the countries, and that even the duties of religion and public worship have been interrupted or prevented; and, though he carries on all his

business by the arbitrary exertion of military force, yet does he not collect from the countries one fourth of the revenue that should be produced. The statement he pretends to hold forth of expected revenue, is totally fallacious, and can never be realized under the management of his lordship, in the appointment of renters, totally disqualified, rapacious, and irresponsible, who are actually embezzling and dissipating the public revenues that should assist in the support of the war. Totally occupied by his private views, and governed by his passions, he has neglected or sacrificed all the essential objects of public good, and by want of coöperation with sir Eyre Coote, and refusal to furnish the army with the necessary supplies, has rendered the glorious and repeated victories of the gallant general ineffectual to the expulsion of our cruel enemy. To cover his insufficiency, and veil the discredit attendant on his failure in every measure, he throws out the most illiberal expressions, and institutes unjust accusations against me; and, in aggravation of all the distresses imposed upon me, he has abetted the meanest calumniators, to bring forward false charges against me, and my son Ameer-ul-Omrah, in order to create embarrassment, and for the distress of my mind. My papers and writings sent to you must testify to the whole world the malevolence of his designs, and *the means* that have been used to forward them. He has violently seized and opened all letters addressed to me and my servants, on my public and private affairs. My vackeel, that attended him, according to ancient custom, has been ignominiously dismissed from his presence, and not suffered to approach the government-house. He has in the meanest manner, and as he thought in secret, been tampering and intriguing with my family and relations for the worst of purposes. And if I express the agonies of my mind under these most pointed injuries and oppressions, and complain of the violence and injustice of lord Macartney, I am insulted by his affected construction, that my communications are dictated by the insinuations of others. At the same time that his conscious apprehensions for his misconduct, have produced the most abject applica-

tions to me, to smother my feelings, and entreaties to write in his lordship's favor to England, and to submit all my affairs to his direction. When his submissions have failed to mould me to his will, he has endeavored to effect his purposes by menaces of his secret influence with those in power in England, which he pretends to assert, shall be effectual to confirm his usurpation, and to deprive me and my family, in succession, of my rights of sovereignty and government for ever. To such a length have his passions and violences carried him, that all my family, my dependants, and even my friends and visiters, are persecuted with the strongest marks of his displeasure. Every shadow of authority in my person is taken from me, and respect to my name discouraged throughout the whole country. When an officer of high rank in his majesty's service was some time since introduced to me by lord Macartney, his lordship took occasion to shew a personal derision and contempt of me. Mr. Richard Sullivan, who has attended my durbar under the commission of the governor general and council of Bengal, has experienced his resentment; and Mr. Benfield, *with whom I have no business*, and who, as he has been accustomed to do for many years, has continued to pay me his visits of respect, has felt the weight of his lordship's displeasure, and has had every unmerited insinuation thrown out against him, to prejudice him, and deter him from paying me his compliments as usual.

"Thus, gentlemen, have you delivered me over to a stranger; to a man unacquainted with government and business, and too opinionated to learn; to a man, whose ignorance and prejudices operate to the neglect of every good measure, or the liberal coöperation with any that wish well to the public interests; to a man who, to pursue his own passions, plans, and designs, will certainly ruin all mine, as well as the company's affairs. His mismanagement and obstinacy have caused the loss of many lacks of my revenues, dissipated and embezzled, and every public consideration sacrificed, to his vanity and private views. I beg to offer an instance in proof of my assertions, and to justify the hope I have, that you will

cause to be made good to me all the losses I have sustained, by the mal-administration and bad practices of your servants, according to all the account of receipts of former years, and which I made known to lord Macartney, amongst other papers of information, in the beginning of his management in the collections. The district of Ongole produced annually, upon a medium of many years, ninety thousand pagodas; but lord Macartney *upon receiving a sum of money from Ramchundry*,* let it out to him, in April last, for the inadequate rent of 50,000 pagodas *per annum*, diminishing, in this district alone, near half the accustomed revenues. After this manner hath he exercised his powers over the countries, to suit his own purposes and designs; and this secret mode has he taken to reduce the collections."

1st November, 1782. Copy of a Letter from the Nabob of Arcot to the Court of Directors, &c. Received 7th April, 1783.

"The distresses which I have set forth in my former letters, are now increased to such an alarming pitch, by the imprudent measures of your governor, and by the arbitrary and impolitic conduct pursued with the merchants and importers of grain, that the very existence of the fort of Madras seems at stake, and that of the inhabitants of the settlement appears to have been totally overlooked; many thousands have died, and continue hourly to perish of famine, though the capacity of one of your youngest servants, with diligence and attention, by doing justice, and giving reasonable encouragement to the merchants, and by drawing the supplies of grain which the northern countries would have afforded, might have secured us against all those dreadful calamities. I had with much difficulty procured and purchased a small quantity of rice, for the use of myself, my family, and attendants, and with a view of sending off the greatest part of the latter to the northern countries, with a little subsistence in their hands. But what must your surprise be, when you learn, that even

* See Tellinga letter at the end of this correspondence.

this rice was seized by lord Macartney, with a military force! and thus am I unable to provide for the few people I have about me, who are driven to such extremity and misery, that it gives me pain to behold them. I have desired permission to get a little rice from the northern countries for the subsistence of my people, without its being liable to seizure by your sepoys: this even has been refused me by lord Macartney. What must your feelings be, on such wanton cruelty, exercised towards me, when you consider that of thousands of villages belonging to me, a single one would have sufficed for my subsistence!"

22d March, 1783. Translation of a Letter from the Nabob of Arcot to the Chairman and Directors of the East India Company.—Received from Mr. James Macpherson, 1st Jan. 1784.

"I am willing to attribute this continued usurpation to the fear of detection in lord Macartney: he dreads the awful day when the scene of his enormities will be laid open, at my restoration to my country, and when the tongues of my oppressed subjects will be unloosed, and proclaim aloud the cruel tyrannies they have sustained. These sentiments of his lordship's designs are corroborated by his sending, on the 10th instant, two gentlemen to me and my son Ameer-ul-Omrah; and these gentlemen from lord Macartney especially set forth to me, and to my son, that all dependence on the power of the superior government of Bengal, to enforce the intentions of the company to restore my country, was vain and groundless; that the company confided in his lordship's judgment and discretion, and upon his representations, and that if I, and my son, Ameer-ul-Omrah, would enter into friendship with lord Macartney, and sign a paper, declaring all my charges and complaints against him to be false, that his lordship might be induced to write to England, that all his allegations against me and my son were not well founded; and, notwithstanding his declarations to withhold my country, yet on these considerations, it might still be restored to me.

"What must be your feelings for your ancient and faithful

friend, on his receiving such insults to his honor and understanding from your principal servant, armed with your authority? From these manœuvres, amongst thousands I have experienced, the truth must evidently appear to you, that I have not been loaded with those injuries and oppressions from motives of public service, but to answer the private views and interests of his lordship, and his secret agents: *some papers to this point are enclosed;* others, almost without number, must be submitted to your justice, when time and circumstances will enable me fully to investigate those transactions. This opportunity will not permit the full representation of my load of injuries and distresses: I beg leave to refer you to my minister, Mr. Macpherson, for the papers, according to the enclosed list, which accompanied my last despatches by the Rodney, which I fear have failed; and my correspondence with lord Macartney, subsequent to that period, such as I have been able to prepare for this opportunity, are enclosed.

"Notwithstanding all the violent acts and declarations of lord Macartney, yet a consciousness of his own misconduct was the sole incentive to the menaces and overtures he has held out, in various shapes. He has been insultingly lavish in his expressions of high respect for my person; has had the insolence to say, that all his measures flowed from his affectionate regard alone; has presumed to say, that all his enmity and oppression were leveled at my son, Ameer-ul-Omrah, to whom he before acknowledged every aid and assistance: and, his lordship being without any just cause or foundation for complaint against us, or a veil to cover his own violences, he has now had recourse to the meanness, and has dared to intimate of my son, in order to intimidate me, and to strengthen his own wicked purposes, to be in league with our enemies the French. You must doubtless be astonished, no less at the assurance, than at the absurdity of such a wicked suggestion."

(In the nabob's own hand.)

"P. S. In my own handwriting I acquainted Mr. Hastings, as I now do my ancient friends the company, with the insult

offered to my honor and understanding, in the extraordinary propositions sent to me by lord Macartney, through two gentlemen, on the 10th instant, so artfully veiled with menaces, hopes, and promises. But how can lord Macartney add to his enormities, after his wicked and calumniating insinuations, so evidently directed against me and my family, through my faithful, my dutiful, and beloved son, Ameer-ul-Omrah, who, you well know, has been ever born and bred amongst the English, whom I have studiously brought up in the warmest sentiments of affection and attachment to them; sentiments, that in his maturity have been his highest ambition to improve, insomuch that he knows no happiness, but in the faithful support of our alliance and connection with the English nation?"

12th August, and Postscript of the 16th August, 1783. Translation of a Letter to the Chairman and Directors of the East India Company. Received from Mr. James Macpherson, 14th January, 1784.

"Your astonishment and indignation will be equally raised with mine, when you hear that your president *has dared*, contrary to your intention, to continue to usurp the privileges and hereditary powers of the nabob of the Carnatic, your old and unshaken friend, and the declared ally of the king of Great Britain.

"I will not take up your time by enumerating the particular acts of lord Macartney's violence, cruelty, and injustice; *they indeed occur too frequently, and fall upon me, and my devoted subjects and country, too thick, to be regularly related.* I refer you to my minister, Mr. James Macpherson, *for a more circumstantial account of the oppressions and enormities by which he has brought both mine* and the company's affairs to the brink of destruction. I trust that such flagrant violations of all justice, honor, and the faith of treaties, will receive the severest marks of your displeasure, and that lord Macartney's conduct, in making use of your name and authority as a sanction for the continuance of his usurpation, will be disclaimed with the utmost indignation, and followed with the severest

punishment. I conceive that his lordship's arbitrary retention of my country and government can only originate in his *insatiable cravings*, in his implacable malevolence against me, and through fear of detection, which must follow the surrender of the Carnatic into my hands, of those nefarious proceedings, which are now suppressed by the arm of violence and power.

"I did not fail to represent to the supreme government of Bengal the deplorable situation to which I was reduced, and the unmerited persecutions I have unremittingly sustained from lord Macartney; and I earnestly implored them to stretch forth a saving arm, and interpose that controlling power which was vested in them, to check *rapacity and presumption*, and preserve the honor and faith of the company from violation. The governor-general and council not only felt the cruelty and injustice I had suffered, but were greatly alarmed for the fatal consequences that might result from the distrust of the country powers in the professions of the English, when they saw the nabob of the Carnatic, the friend of the company, and the ally of Great Britain, thus stripped of his rights, his dominions, and his dignity, by the most fraudulent means, and under the mask of friendship. The Bengal government had already heard both the Mahrattas and the Nizam urge as an objection to an alliance with the English, the faithless behavior of lord Macartney to a prince whose life had been devoted, and whose treasures had been exhausted, in their service and support; and they did not hesitate to give positive orders to lord Macartney for the restitution of my government and authority, on such terms as were not only strictly honorable, but equally advantageous to my friends the company; for they justly thought that my honor and dignity, and *sovereign rights*, were the first objects of my wishes and ambition: But how can I paint my astonishment at lord Macartney's presumption, in continuing his usurpation, after their positive and reiterated mandates! and, as if nettled by their interference, which he disdained, in redoubling the fury of his violence, and sacrificing the public and myself, to his malice and ungovernable passions!

"I am, gentlemen, at a loss to conceive where his usurpation will stop, and have an end. Has he not solemnly declared that the assignment was only made for the support of war? and, if neither your instructions, nor the orders of his superiors at Bengal, were to be considered as effectual, has not the treaty of peace virtually determined the period of his tyrannical administration? But so far from surrendering the Carnatic into my hands, he has, since that event, affixed advertisements to the walls and gates of the Black Town, for letting to the best bidder the various districts, for the term of three years; and has continued the committee of revenue, which you positively ordered to be abolished, to whom he has allowed enormous salaries, from 6000 to 4000 pagodas per annum, which each member has received from the time of his appointment, though his lordship well knows that most of them are by your orders disqualified, by being my principal creditors.

"If those acts of violence and outrage had been productive of public advantage, I conceive his lordship might have held them forward, in extenuation of his conduct; but whilst he cloaks his justification under the veil of your records, it is impossible to refute his assertions, or to expose to you their fallacy; and when he is no longer able to support his conduct by argument, he refers to those records, where, I understand, he has exercised all his sophistry and malicious insinuations, to render me and my family obnoxious in the eyes of the company, and the British nation; and when the glorious victories of Sir Eyre Coote have been rendered abortive by a constant deficiency of supplies; and when, since the departure of that excellent general to Bengal, whose loss I must ever regret, a dreadful famine, at the close of last year, occasioned by his lordship's neglect to lay up a sufficient stock of grain at a proper season, and from his prohibitory orders to private merchants; and when no exertion has been made, nor advantage gained over the enemy; when Hyder's death and Tippoo's return to his own dominions operated in no degree for the benefit of our affairs; in short, when all has been a

continued series of disappointment and disgrace under lord Macartney's management (and in him alone has the management been vested) I want words to convey those ideas of his insufficiency, ignorance, and obstinacy, which I am convinced you would entertain, had you been spectators of his ruinous and destructive conduct.

"But against me and my son, Ameer-ul-Omrah, has his lordship's vengeance chiefly been exerted; even the company's own subordinate zemindars have found better treatment, probably because they were more rich; those of Nizanagoram have been permitted, contrary to your pointed orders, to hold their rich zemindaries at the old disproportionate rate of little more than a sixth part of the real revenue; and my zemindar of Tanjore, though he should have regarded himself equally concerned with us in the event of the war, and from whose fertile country many valuable harvests have been gathered in, which have sold at a vast price, has, I understand, only contributed last year, towards the public exigencies, the very inconsiderable sum of one lack of pagodas, and a few thousand pagodas-worth of grain.

"I am much concerned to acquaint you, that ever since the peace a dreadful famine has swept away many thousands of the followers, and sepoys families of the army, from lord Macartney's neglect to send down grain to the camp, though the roads are crowded with vessels: but his lordship has been too intent upon his own disgraceful schemes, to attend to the wants of the army. The negotiation with Tippoo, which he has set on foot through the mediation of Monsieur Bussy, has employed all his thoughts, and to the attainment of that object he will sacrifice the dearest interests of the company to gratify his malevolence against me, and for his own private advantages. The endeavor to treat with Tippoo, through the means of the French, must strike you, gentlemen, as highly improper and impolitic; but it must raise your utmost indignation to hear, that by intercepted letters from Bussy to Tippoo, as well as from their respective vakeels, and from various accounts from Cuddalore, we have every reason to

conclude that his lordship's secretary, Mr. Staunton, when at Cuddalore, as his agent to settle the cessation of arms with the French, was informed of all their operations and projects, and *consequently that lord Macartney has secretly connived at Monsieur Bussy's recommendation to Tippoo to return into the Carnatic, as the means of procuring the most advantageous terms, and furnishing lord Macartney with the plea of necessity for concluding a peace after his own manner:* and what further confirms the truth of this fact is, that repeated reports, as well as the alarms of the inhabitants to the westward, leave us no reason to doubt that Tippoo is approaching towards us. His lordship has issued public orders, that the garrison store of rice, for which we are indebted to the exertions of the Bengal government, should be immediately disposed of, and has strictly forbid all private grain to be sold; by which act he effectually prohibits all private importation of grain, and may eventually cause as horrid a famine as that which we experienced at the close of last year, from the same short-sighted policy and destructive prohibitions of lord Macartney.

"But as he has the fabrication of the records in his own hands, he trusts to those partial representations of his character and conduct, because the signatures of those members of government whom he seldom consults, are affixed, as a public sanction; but you may form a just idea of their correctness and propriety, when you are informed, that his lordship, *upon my noticing the heavy disbursements made for secret service money, ordered the sums to be struck off, and the accounts to be erased from the cash-book of the company;* and I think I cannot give you a better proof of his management of my country and revenues, than by calling your attention to his conduct in the Ongole province, and by referring you to his lordship's administration of your own jaghire, from whence he has brought to the public account the sum of twelve hundred pagodas for the last year's revenue, yet blazons forth his vast merits and exertions, and expects to receive the thanks of his committee and council.—I will beg leave to refer you to my minister, James Macpherson, Esq. for a more particular account of my

sufferings and miseries, to whom I have transmitted copies of all papers that passed with his lordship.

"I cannot conclude without calling your attention to the *situation of my different creditors*, whose claims are the claims of justice, and whose demands I am bound by honor, and every moral obligation, to discharge; it is not therefore without great concern I have heard insinuations tending to question the legality of their right to the payment of those just debts; they proceeded from advances made by them openly and honorably for the support of my own and the public affairs. But I hope the tongue of calumny will never drown the voice of truth and justice; and while that is heard, the wisdom of the English nation cannot fail to accede to an effectual remedy for their distresses, by any arrangement in which their claims may be duly considered, and equitably provided for; and for this purpose my minister, *Mr. Macpherson, will readily subscribe, in my name, to any agreement you may think proper to adopt, founded on the same principles* with either of the engagements I entered into with the supreme government of Bengal, for our mutual interest and advantage.—I always pray for your happiness and prosperity."

6th September, and Postscript of 7th September, 1783. Translation *of a letter* from the Nabob of Arcot to the Chairman and Directors of the East India Company.—Received from Mr. James Macpherson, 14th January, 1784.

"I refer you, gentlemen, to my enclosed duplicate, as well as to my minister, Mr. Macpherson, for the particulars of my sufferings. There is no word or action of mine that is not perverted; and though it was my intention to have sent my son Ameer-ul-Omrah, who is well versed in my affairs, to Bengal, to impress those gentlemen with a full sense of my situation, yet I find myself obliged to lay it aside, from the insinuations of the calumniating tongue of lord Macartney, that takes every license to traduce every action of my life, and that of my son. I am informed that lord Macartney, at this late moment, intends to write a letter; I am ignorant of the subject; but fully perceive, that by delaying to send it till the

very eve of the despatch, he means to deprive me of all possibility of communicating my reply, and forwarding it for the information of my friends in England. Conscious of the weak ground on which he stands, he is obliged to have recourse to these artifices to mislead the judgment, and support for a time his unjustifiable measures by deceit and imposition. I wish only to meet and combat his charges and allegations fairly and openly; and I have repeatedly and urgently demanded to be furnished with copies of those parts of his *fabricated* records relative to myself; but as he well knows I should refute his sophistry, I cannot be surprised at his refusal, though I lament that it prevents you, gentlemen, from a clear investigation of his conduct towards me.

"Enclosed you have a translation of an arzee from the killidar of Vellore: *I have thousands of the same kind;* but this just now received will serve to give you some idea of the miseries brought upon this my devoted country, and the wretched inhabitants that remain in it, by the oppressive hand of lord Macartney's management; nor will the *embezzlements of collections* thus obtained, when brought before you in *proof*, appear less extraordinary, which *shall certainly be done in due time.*"

Translation of an Arzee, in the Persian language, from Uzzeem ul Doen Cawn, the Killidar of Vellore, to the Nabob, dated 1st September, 1783. Enclosed in the Nabob's letter to the Court of Directors, September, 1783.

"I have repeatedly represented to your highness the violences and oppressions exercised by the present amildar [collector of revenue] of lord Macartney's appointment, over the few remaining inhabitants of the district of Vellore, Ambore, Saulguda, &c.

"The outrages and violences now committed, are of that astonishing nature as were never known or heard of during the administration of the circar. Hyder Naik, the cruelest of tyrants, used every kind of oppression in the circar countries; but even his measures were not like those now pursued. Such of the inhabitants as had escaped the sword and pillage

of Hyder Naik, by taking refuge in the woods, and within the walls of Vellore, &c. on the arrival of lord Macartney's amildar to Vellore, and in consequence of his cowle of protection and support, most cheerfully returned to the villages, set about the cultivation of the lands, and with great pains rebuilt their cottages.—But now the amildar has imprisoned the wives and children of the inhabitants, seized the few jewels that were on the bodies of the women, and then, before the faces of their husbands, flogged them, in order to make them produce other jewels and effects, which he said they had buried somewhere under ground, and to make the inhabitants bring him money, notwithstanding there was yet no cultivation in the country. Terrified with the flagellations, some of them produced their jewels, and wearing apparel of their women, to the amount of ten or fifteen pagodas, which they had hidden; others, who declared they had none, the amildar flogged their women severely, tied cords around their breasts, and tore the sucking children from their teats, and exposed them to the scorching heat of the sun. Those children died, as did the wife of *Ramsoamy*, an inhabitant of Bringpoor. Even this could not stir up compassion in the breast of the amildar. Some of the children that were somewhat large, he exposed to sale. In short, the violences of the amildar are so astonishing, that the people, on seeing their present situation, remember the loss of Hyder with regret. With whomsoever the amildar finds a single measure of *natehinee*, or *rice*, he takes it away from him, and appropriates it to the expenses of the *Sibindy* that he keeps up. No revenues are collected from the countries, but from the effects of the poor wretched inhabitants. Those *ryots* [yeomen] who intended to return to their habitations, hearing of those violences, have fled for refuge, with their wives and children, into Hyder's country. Every day is ushered in and closed with these violences and disturbances. I have no power to do any thing; and who will hear what I have to say? My business is to inform your highness, who are my master. The people

bring their complaints to me, and I tell them I will write to your highness."*

Translation of Tellinga Letter from Veira Permaul, Head Dubash to Lord Macartney, *in his own hand-writing*, to Rajah Ramchunda, the renter of Ongole; dated 25th of the Hindoo month Mausay, in the year Plavanamal, corresponding to 5th March, 1782.

I present my respects to you, and am very well here, wishing to hear frequently of your welfare.

Your peasher Vancatroyloo has brought the Visseel Bakees, and delivered them to me, as *also what you sent him for me to deliver to my master, which I have done. My master at first refused to take it, because he is unacquainted with your disposition*, or what kind of a person you are. But after I made encomiums on your goodness and greatness of mind, and took my oath to the same, and that *it would not become public*, but be held as precious as our lives, *my master accepted it.* You may remain satisfied, that I will get the Ongole business settled in your name; I will cause the jamaubundee to be settled agreeable to your desire. It was formerly the nabob's inten-

* [The above-recited practices, or practices similar to them, have prevailed in almost every part of the miserable countries on the coast of Coromandel, for near twenty years past. That they prevailed as strongly and generally as they could prevail, under the administration of the nabob, there can be no question, notwithstanding the assertion in the beginning of the above petition; nor will it be otherwise, whilst affairs are conducted upon the principles which influence the present system. Whether the particulars here asserted are true or false, neither the court of directors nor their ministry have thought proper to inquire. If they are true, in order to bring them to affect lord Macartney, it ought to be proved that the complaint was made *to him; and that he had refused redress.* Instead of this fair course, the complaint is carried to the court of directors. The above is one of the documents transmitted by the nabob, in proof of his charge of corruption against lord Macartney. If genuine, it is conclusive, at least against lord Macartney's principal agent and manager. If it be a forgery (as in all likelihood it is), it is conclusive against the nabob and his evil counsellors; and fully demonstrates, if any thing further were necessary to demonstrate, the necessity of the clause in Mr. Fox's bill prohibiting the residence of the native princes in the company's principal settlements; which clause was, for obvious reasons, not admitted into Mr. Pitt's. It shews too the absolute necessity of a severe and exemplary punishment on certain of his English evil counsellors and creditors, by whom such practices are carried on.]

tion to give this business to you, as the governor knows full well, but did not at that time agree to it, which you must be well acquainted with.

Your peasher Vancatroyloo is a very careful good man—he is well experienced in business—*he has bound me by an oath to keep all this business secret, and that his own, yours, and my lives are responsible for it.* I write this letter to you with the greatest reluctance, and I signified the same to your peasher, and declared that I would not write to you by any means; to this the peasher urged, that *if I did not write to his master, how could he know to whom he (the peasher) delivered the money,* and what must his master think of it? therefore I write you this letter, and send it by my servant Ramanah, accompanied by the peasher's servant, and it will come safe to your hands: after perusal you will send it back to me immediately—until I receive it I don't like to eat my victuals, or take any sleep. Your peasher took his oath, and urged me to write this for your satisfaction, and has engaged to me that I shall have this letter returned to me in the space of twelve days.

The present governor is not like the former governors—he is a very great man in Europe—and all the great men of Europe are much obliged to him for his condescension in accepting the government of this place. It is his custom when he makes friendship with any one to continue it always, and if *he is at enmity with any one, he never will desist till he has worked his destruction; he is now exceedingly displeased with the nabob, and you will understand by and by that the nabob's business cannot be carried on;* he (the nabob) will have no power to do any thing in his own affairs; *you have therefore no room to fear him.* You may remain with a contented mind—I desired the governor to write you a letter for your satisfaction; the governor said he would do so when the business was settled. This letter you must peruse as soon as possible, and send it back with all speed by the bearer Ramadoo, accompanied by three or four of your people, to the end that no accident may happen on the road. These people must be ordered to march in the night only, and to arrive here with

the greatest despatch. You sent ten mangoes for my master, and two for me, all which I have delivered to my master, thinking that ten was not sufficient to present him with. I write this for your information, and salute you with ten thousand respects.

I, Muttu Kistnah, of Madras Patnam, dubash, declare, That I perfectly understand the Gentoo language; and do most solemnly affirm, that the foregoing is a true translation of the annexed paper writing from the Gentoo language.

(*Signed*) MUTTU KISTNAH.

END OF THE SECOND VOLUME.

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